BIBLIOTHECA CLASSICA.

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M. TULLII CICERONIS ORATIONES.

WITH A

COMMENTARY BY GEORGE LONG.

VOL. IV.

LONDON:

WHITTAKER AND CO. AVE MARIA LANE;

GEORGE BELL, FLEET STREET.

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PREFACE.

HAVING finished a work which has employed me several years, I have a few remarks to make at the end of my labours.

The volumes which contain the second edition of Orelli's Orations of Cicero were not published when I began this work, and I have only been able to use the second edition from the 163rd page of the Second Volume, where the Oration for Fonteius begins. I have mentioned this before[1], and I mention it again to anticipate any possible objections. This edition by Baiter and Halm is very useful, for the MSS. readings are presented in a better and more complete form than in Orelli's edition, and the editors have shown great judgment in amending the text. I have not always followed them, but the number of cases in which I have taken or retained a different reading are not very numerous. Ever since the revival of ancient literature many industrious and excellent critics have employed themselves in amending and explaining the text of Cicero's Orations, and we can now read them with ease and profit; but future editors will still find something to do, for Cicero's text has been much corrupted by transcription and glosses.

The extant orations of Cicero belong to a period of near forty years, from the twenty-sixth year of his age to the year of his death, when he was past sixty-three. He lived in a time of commotion and revolution. As he says himself, between his youth and his old age he had seen five civil wars. His ambition and his abilities led him to seek the highest honours in Rome, and he, the native of a small Italian town, made his way to the consulship and

[1] Preface to the Second Volume.

to the most conspicuous position in the Roman state after Caesar. In one difficult emergency he showed judgment and energy, in the affair of Catilina and his associates, and we may admit that he was, as Augustus is reported to have said of him, "a wise man and a lover of his country[1]." But he lived in difficult times, and found himself in an awkward position between opposing factions; and this with his great timidity, which however he vehemently denied, as timid people do more than the courageous, is some excuse for his irresolution, insincerity, and duplicity. After being humbled to the dust by his exile and by Caesar's usurpation, he rose again and maintained a last and desperate struggle against M. Antonius and his faction. He was the only man in the senate, so far as we know, who showed either honesty or courage in prosecuting the war against Antonius. He knew it was a contest for his own life, and he perished in the fight, betrayed by men in whom he trusted, and outwitted by the boy, as he called young Caesar.

No man can read Cicero's Orations and his Letters without discovering that he falls far below the measure of a generous, sincere, and noble character. The evidence against him is himself. Some of my notes in which I have made remarks about him might lead a reader to suppose that I have taken a pleasure in pointing out the weak or the bad parts of his character; but I am conscious that I have had no intention to do so, that when I began this work I had a better opinion of him, and it is not my fault if a man's character will not stand against the evidence which he has himself produced. I believe that as a private man, though very vain and resentful, he was much better than most of his contemporaries; and as to his public life, we must make the same liberal allowance which ought to be made to all men who are engaged in political matters. We must admit that it is very difficult for a statesman to be perfectly honest, even if he wishes it, for he must try to please a great many people, and often get to good ends, or such as he thinks good, by indirect and crooked ways. We may also certainly conclude that he who is strictly honest and unbending, is not fit for the direction of political affairs, though he may be very useful in

[1] Plutarch, Life of Cicero, c. 49.

keeping in some kind of order those who have more taste for such business and less scruples than himself.

If Cicero as a man does not command admiration or respect, he has earned by his writings a fame that will exist as long as good letters shall endure: he has got that immortality which he has often spoken of, and the anticipation of which was a motive to his unwearied labour. As he said of his friend Servius Sulpicius, "the life of the dead rests in the remembrance of the living." If his writings were lost, there would be an immense blank in Roman literature. To the versatility of his talents and his diligence we are indebted for a large amount of instructive writing, only a part of the fruits of his untiring industry. His merits as an original thinker and a philosopher are slight, but still he has written a good deal in this sort which may be read with pleasure and some profit; and though I do not think we can always trust him as an expositor of the philosophy of the Greeks, his writings are useful to the historian of philosophy.

His great merit is that of a writer on oratory, and a writer of orations. He was a perfect master of a difficult art, which he had acquired by great labour, and which he practised to the end of his life. In clearness, fulness, life, and energy, his style has never been surpassed. The only fault is that he sometimes has too much of the florid Asiatic style, and that his metaphors, which are abundant, are not always consistent with propriety and good taste. But this is a fault of the Latin language, this abundance of metaphor, and one of the main reasons why Latin is sometimes difficult to understand, and often very difficult to translate. Cicero's best orations are inferior to nothing that the Greeks have left, and in some respects I think that they are superior. He handled the matter that was before him with the most perfect skill. He could confuse a thing, if he chose, and make a web of sophistry, which it is almost impossible to disentangle. What he wished to make clear, he could state in the simplest, plainest, and most forcible way, and he generally did it in short sentences. His way of telling a story or an anecdote is the best that could be: he does not weary us; he moves on quick, and lets us off before we are tired, which an unskilful teller of stories never does. He could be hu-

morous, sarcastic, ironical, satirical; and when he was malignant. his mouth was most foul and his bite most venomous. His argumentative power, his way of handling given facts, and getting out of them all that he wanted for his purpose, is really admirable, and more admirable than easy to imitate.

Such a writer is well worth studying; and he has left behind him more than most people will have time to read with care. In fact, out of the wreck of antiquity there is still left enough, and more than enough, good matter for a man to employ his life on; and much more than any person can read whose classical studies are only intended to be a part of his education and a useful discipline. Instead, therefore, of recommending young men to read more of the best ancient writers than they do, and to read even those of little value, of whom there is plenty, I think that they should read only as much as they can read well in a limited time; for it is only by reading well, and not by reading much, that a man is formed and fashioned for use. Those who have leisure to continue their classical studies in after life, though literature may not be their occupation, can select what best suits their taste; but I think that every man of sense would rather read over twenty times something good than waste his time on what is of less value; his object being, as I presume, improvement and pleasure, and not the idle curiosity of reading something because it is either old or new, or because nobody else reads it. That kind of reading is intemperance, and a sign of an unhealthy appetite. For the same reason, I suppose a man of sense would rather see a few choice works of art every day than run about to look at all the rubbish which ill-directed industry has produced.

I think that a careful study of some of Cicero's orations is an excellent discipline for youth; but it is not easy for young students to read these orations with profit. The Greek and Roman orators ought to be the last writings which a young student is brought to; and this remark applies more particularly to Cicero[a]. The matter is so varied, a great deal of it so technical, the facts alluded to are

[a] See F. A. Wolf's Remarks on reading the Orators: Orat. adv. Leptinem, Ep. ad Reiz. p. x; and Erasmus, Ad Hervagianam primam, Praefatio. Wolf has also some good remarks (p. xxvii) on the reading of the worthless part of ancient literature.

so numerous, and sometimes so incorrectly stated, that in this alone there is enough to perplex even a clever and diligent student. Again, Cicero's argumentation is often so subtle that it is hard to seize it; and since, as I have hinted, he does not always intend to be plain, or to instruct, but to be obscure and to mislead, it requires long practice to see what he means. Under the simple easy form of Cicero's language there lurk difficulties which some do not discover, and none can explain.

There are some orations which are comparatively easy, those in which there is more of narrative, panegyric, and declamation. They are for this reason the easiest for young students, but they are not the best of Cicero's orations. There are some which are so technical and difficult as to be quite unfit for school reading, such as the orations Pro P. Quintio and Pro Caecina; but a young man at college may try his strength upon them. Other orations are of a mixed character as to difficulty, simple in the narrative, and perfectly clear in the argumentative part to a man who has studied them well, but very difficult to ordinary students. The excellent orations Pro Cluentio and Pro Milone are of this kind. I believe that all who have tried the experiment of reading these two orations, even with intelligent youths of the age of eighteen, must have found that there is a great deal in the argumentative part which they do not readily apprehend; a great deal which no commentator explains, or ought to explain; for if he explained all, his work would be endless, and also useless. It is in such cases as these that a man has a great advantage over a boy, and the teacher's business is to supply that which no commentator gives; and he can do it sufficiently well, if he has a fair knowledge of the language, and studies the lesson well before he hears it.

I shall make one suggestion, which may seem impertinent to those who are not in need of it; but it may be useful to others. We read an oration of Cicero or a Greek play bit by bit: we examine it as we go along, dissect it, and make a demonstration on the body. The process is necessary, in order that the student may see each part well, and examine it minutely. But though this troublesome process is necessary in order to know what the thing is, if we leave it after this operation in its disjected state, it is indeed

a defunct, lifeless body. To reanimate it, to show all the proportions of this noble structure, is the business of the teacher. He should read over the whole to his class in the best language that he can find, and he should do it, if the thing is short, at a sitting; and if it is long, he should do it in as few sittings as he can. He need not trouble himself about parts that are corrupt, or so difficult as to be almost unintelligible: he may pass over such things lightly. His object is to let the student see what the thing is altogether; and if it is a work of genius and art, genius and art will show themselves by being presented in their entire and simple beauty [4]. It is not an easy thing for a teacher to do well what I have suggested. Some will do it better than others; but I believe that all who have competent knowledge will with a little practice do it well enough to please their hearers, and be pleased themselves too with the profit which they will get. As to the students, I suppose out of a class of twenty a few would not attend very much, no more than they attend to their usual lessons; but a great many will attend carefully, and will be pleased and instructed. Having often made the experiment, I can speak with confidence of its success.

I said a few words in the Preface to the first volume about the Notes. There are two ways of making notes, and perhaps more; but I have only to deal with two here. No commentator can neglect to look at what has been done by others. He may either read all that has ever been said about his author or the greater part, and make a selection from the commentators' notes: or he may study his author carefully, mark the difficulties, make his own notes, and then improve and correct them by the aid of what others have done. This second way is that which I have followed, and I think it is the best. If an editor follows this method, his work will contain a great deal of his own, either good or bad. A man who has not sufficient confidence in himself to think that he can do something for the explanation of an author by his own labour, had better let the thing alone. He who only reads what others have said, is likely to read too much and to write too much, and there is great risk that he will be encumbered by the mass of matter which he collects. His own judgment will not be so clear as it ought to be,

[4] See a passage in Seneca, Ep. 33.

and he will often perplex his reader by the contradictory opinions which he transfers to his notes. This is the case with the notes to the Variorum edition of Cicero's orations. They contain much good matter, but the true and the false, the useful and the useless, are heaped together in a way to bewilder the student. I have not consulted every commentator whom I might have consulted, or ought to have consulted. Sometimes I could not get a book that I wanted, and sometimes I was ignorant of its existence. I have however used the remarks of many commentators, some of them the best; and I have consulted a great many books, principally German writers on Roman law and Roman constitutional questions, which have not been used in this country, at least for the explanation of Cicero's text. For the reasons which I have mentioned and other reasons not necessary to mention, I add that I know that I have explained some orations better than others.

My notes, I think, are sufficient in quantity. It is a great mistake to overload an ancient author with notes, and to leave nothing for the teacher or the reader to do. We do not read, or we ought not to read an ancient author for the notes, but notes ought to be written and read to assist in understanding the text. There is great danger now, and it is often the case, that people read about antiquity and about ancient authors, and know little of the authors themselves. If these writers are worth reading, they should be read with as few notes as possible, and every man who has studied them with proper care, and got over all such difficulties as a critical study can conquer, will prefer reading them afterwards without any notes at all, and reading them as he would read a book in his own language, or in a modern language which he can easily understand. A student requires many notes to some of the classical authors; for the object of his study is a critical examination of the author's words, in order that he may improve himself in the language, and pass through a useful and necessary discipline.

The faults both of omission and commission in a work like this must be numerous, whatever pains an editor has taken; and if he has a reasonable share of modesty and judgment, nobody will know these faults better than himself. Nothing is easier than to find fault, but those who are disposed to do that and nothing else, must

either be very vain or very foolish, and certainly they have a very insufficient notion of the difficulties of such a work. Where the matter is so large and various, opinions so much divided on obscure passages, and references so numerous, many errors must be committed. I have received several useful suggestions and remarks from various gentlemen, who are strangers to me; and I have always found that those whose communications were the best, were also most indulgent to those slips and errors which even the most accurate and careful will make. It is a fact, which any man may convince himself of by making the experiment of writing notes, that an editor will sometimes blunder in an easy passage and commit errors which a schoolboy may correct; and for this reason among others, that his vigilance is more active and his understanding too, when he sees a real difficulty and tries to grapple with it. There is another thing too that he may discover. His attention being necessarily engaged with a number of small matters, he may sometimes overlook the general purport of the discourse and of the composition, which another man who reads carefully cannot fail to see. Accordingly, I find that on using for the instruction of youth what I have written, I am sometimes dissatisfied, and could easily mend my work; which I shall do, if ever I have the opportunity.

Mr. Macleane, who in conjunction with me had the general management of this series, used to read over my proof sheets, as I read over the proof sheets of his Horace, Juvenal, and Persius. Unfortunately for me his health was often bad, and I had not always the advantage of his suggestions. In the last volume particularly, he was only able to read part of the sheets, which I much regret. His remarks were always good and practical. His premature death is a loss to letters. Many men had more learning, as it is called, a great deal of which however is a thing that I do not value at all; but I have never known any man who had a more genuine love for the best writers of antiquity, or a juster judgment in duly appreciating them.

GEORGE LONG.

BRIGHTON COLLEGE,
June 7, 1858.

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IN P. VATINIUM TESTEM

ORATIO.

INTRODUCTION.

P. VATINIUS was a man of mean origin, as Cicero tells us, and Velleius (ii. 69) says the same. He was also disfigured by some deformities, which Cicero with his usual bad taste in such matters often reminds him of; and his moral character was as bad as his personal appearance. He was quaestor in B.C. 63 (c. 5), and in the next year he went to Hispania Ulterior as legatus to C. Cosconius (c. 5). In B.C. 59, the year of C. Caesar's consulship, he was a tribunus pl., and he served Caesar faithfully in all his measures. He was the man who proposed the Rogatio which gave Caesar after his consulate the Provinces of Gallia Citerior and Illyricum with three legions; to which the senate added Gallia Narbonensis with one legion. Caesar repaid Vatinius for his services by making him one of his legati, and it appears that he left Rome (B.C. 58) for his provincia, but returned on hearing that he was threatened with a prosecution under the Lex Licinia et Junia on account of the Rogationes which he had proposed in his tribunate. It appears from what we learn of him in Cicero, and from his never being mentioned in the Commentaries of Caesar before the year B.C. 51 (B. G. viii. 46), that he stayed at Rome several years, partly to look after his own interests, and perhaps also to look after Caesar's; for he was always on good terms with his old master, who afterwards employed him in the Civil War.

Vatinius was a candidate for the aedileship probably in B.C. 57, but he lost his election (c. 15). In B.C. 56 he was one of the witnesses against P. Sestius, whom Cicero defended; and in this same year he was a candidate for the praetorship, and brought himself within the penalties of the Lex Tullia de Ambitu by exhibiting a show of gladiators. C. Licinius Calvus threatened him at this time with a prosecution. The

Comitia Praetoria were put off to the next year, and in February B.C. 55 Vatinius was elected praetor. In B.C. 54 he was prosecuted under the Lex Licinia de Sodaliciis, and Cicero defended him. This is all that is necessary to know of Vatinius for the purpose of reading this oration.

Cicero had attacked Vatinius in the speech for Sestius, though his name is not mentioned. The witnesses were heard on Sestius' trial, according to the practice, after the speeches for the defendant, and Vatinius gave evidence against Sestius. Witnesses could be cross examined, and the orators could speak generally for or against the credibility of the witnesses, as Cicero did against Vatinius on this occasion. Quintilian (Inst. Or. v. 7) says: "Cum praesentibus (testibus) vero ingens dimicatio est, ideoque velut duplici contra eos proque his acie confligitur, Actionum et Interrogationum. In Actionibus primum generaliter pro testibus atque in testes dici solet—Interim adversus singulos dirigitur actio; quod insectationis genus et permixtum defensioni legimus in orationibus plurimis, et separatim editum, sicut In Vatinium testem."

This speech against Vatinius is partly intended to destroy his credit as a witness, but mainly to gratify Cicero's own revengeful feelings. It is a violent attack on the man in the form of a series of questions which refer to all his life, private and public. It is not an examination or set of questions to which Cicero requires or expects an answer, for he tells us so, and the form of the speech shows what it is. It is the actio, which the patronus had a right to use to destroy the witness' credibility and his character too, if he could. This actio was also called by the general term Interrogatio, as the Scholiast says: "Erat alia praeterea Interrogatio testium, sicut ipse M. Tullius P. Vatinium testem interrogavit. Proprie namque Interrogatio dicebatur, qua testes redarguebantur." Cicero in a letter to P. Lentulus (Ad Fam. i. 9) tells what he did in this speech, and why he made this outrageous attack on Vatinius. The man had said something about Cicero, which was true: "Ego sedente Cn. Pompeio, quum ut laudaret P. Sestium introisset in urbem dixissetque testis Vatinius me fortuna et felicitate C. Caesaris commotum illi amicum esse coepisse, dixi me eam Bibuli fortunam quam ille afflictam putaret omnium triumphis victoriisque anteferre: dixique eodem teste alio loco eosdem esse qui Bibulum exire domo prohibuissent et qui me coegissent: tota vero interrogatio mea nihil habuit nisi reprehensionem illius tribunatus, in quo omnia dicta sunt libertate animoque maximo de vi, de auspiciis, de donatione regnorum." Cicero in a letter to his brother Quintus (ii. 4) after informing him of Sestius' acquittal, tells him that he did what Sestius most wished for; he made mince meat of Vatinius (arbitratu nostro concidimus, dis hominibusque plaudentibus—Quid quaeris? homo petulans et audax Vatinius valde perturbatus debilitatusque discessit).

I have used for the text of this oration Halm's edition, which is in the second edition of Orelli, 1856.

The MSS abbreviations are as follow in Halm:

A = lemmata Schol. Bob.
P = codex Parisinus 7794 ab Halmio collatus.
G = codex Gemblacensis nunc Bruxellensis 5345 a Baitero collatus.
S = codex Salisburgensis nunc Monacensis Lat. 15734 a me collatus.

I have also used Halm's edition of this oration, Leipzig, 1845, which contains a selection from the notes of the best commentators on this oration, among whom is Goveanus, and also notes of his own. Halm's editions are always useful. His selections from the commentators on this oration and his own remarks have saved me much labour; which I acknowledge most fully. I have also done my best to explain whatever I could.

M. TULLII CICERONIS

IN

P. VATINIUM TESTEM ORATIO.

I. Si tua tantummodo, Vatini, quid indignitas postularet spectare voluissem, fecissem id, quod his vehementer placebat, ut te, cujus testimonium propter turpitudinem vitae sordesque domesticas nullius momenti putaretur, tacitus dimitterem. Nemo enim horum aut ita te refutandum ut gravem adversarium, aut ita rogandum ut religiosum testem arbitrabatur. Sed fui paullo ante intemperantior fortasse quam debui. Odio enim tui, in quo etsi omnes propter tuum in me scelus superare debeo, tamen ab omnibus paene vincor, sic sum incitatus ut, quum te non minus contemnerem quam odissem, tamen vexatum potius quam despectum vellem dimittere. Quare, ne tibi hunc honorem a me haberi forte mirere quod interrogem, quem nemo congressu, nemo aditu, nemo

1. *Si tua*] 'Si' P. 'Si tua,' codd. rell. et edd. (Halm); who writes 'tantummodo tua,' because he thinks that 'tua' is in the wrong place.—'indignitas:' 'worthlessness.' He says afterwards "ne tibi hunc honorem a me haberi forte mirere." —'his:' Sextius and his 'patroni' and 'advocati' as Goveanus supposes; and this seems to be the true explanation. Manutius refers 'his' to the 'judices.' The meaning of 'hi' in such cases will depend on the context. See c. 3.—'aut rogandum:' P. Halm.

sordes domesticas] Manutius supposes this to mean his poverty, but Cicero speaks (c. 12) of the wealth of Vatinius. Abrami thinks that the orator means Vatinius' filthy practices at home; and Goveanus supposes that it refers to the meanness of his condition, as in c. 5, "obscuritate et sordibus tuis." As the word signifies 'dirt,' it does not seem necessary, nor perhaps is it possible, to ascertain exactly what Cicero meant. Horace uses 'sordes' and 'sordidus' in various senses.

ante intemperantior] 'ante intemperatior,' P. G. Halm, who however thinks that 'intemperantior' is the true form. The critics do not agree about the time signified by 'paullo ante.' It may be, as Halm supposes, the time when he declared that he would question Vatinius.—'tuum in me scelus:' he combined with P. Clodius against Cicero (c. 17).

hunc honorem . . quod] Hermann observes that the meaning is, 'that you may not wonder that this my questioning you—'tamquam honorem tibi haberi.'" But there is no 'tanquam' in the original. Hermann means that 'hunc' is a predicate equivalent to 'hoc,' and so it might be, if Cicero had said 'putes' in place of 'mirere;' and he

suffragio, nemo civitate, nemo luce dignum putet, nulla me caussa impulisset, nisi ut ferocitatem istam tuam comprimerem, et audaciam frangerem, et loquacitatem paucis meis interrogationibus irretitam retardarem. Etenim debuisti, Vatini, etiamsi falso venisses in suspicionem P. Sestio, tamen mihi ignoscere, si in tanto hominis de me optime meriti periculo et tempori ejus et voluntati parere voluissem. Sed hesterno pro testimonio esse mentitum, quum affirmares nullum tibi omnino cum Albinovano sermonem, non modo de Sestio accusando, sed nulla umquam de re fuisse, paullo ante imprudens indicasti, qui et T. Claudium tecum communicasse et a te consilium P. Sestii accusandi petisse, et Albinovanum, quem antea vix tibi notum esse dixisses, domum tuam venisse, multa tecum locutum dixeris; denique contiones P. Sestii scriptas, quas neque nosset neque reperire posset, te Albinovano dedisse, easque in hoc judicio esse recitatas. In quorum altero es confessus a te accusatores esse instructos et subornatos;

adds that 'hunc honorem .. ut' is different from 'hunc honorem .. quod.' But Cicero means that it was an 'honor' to be examined, a mark of respect to a witness, and he tells Vatinius that his 'interrogatio' has a different meaning.

nemo suffragio] This might mean that nobody thought him worthy to have the 'suffragium;' to which he adds 'nor worthy to be a citizen.' It may also mean, if we connect 'suffragium' more immediately with what precedes, that nobody thought him a fit person to give his vote to. The context seems clearly to show that the second is the meaning. See c. 16.—'paucis meis:' 'paucissimis,' G.

etiamsi falso] Sestius believed or said that Vatinius combined with Albinovanus in his prosecution of Sestius (Introduction to the oration Pro Sestio, Vol. iii.).—'tempori ejus:' 'his difficulty,' or 'difficult position.' He says, "ut a nullius umquam me tempore aut commodo aut otium meum abstraxerit aut &c." (Pro Archia, c. 6, Vol. iii.)

sed hesterno] 'Hesterno' is to be taken as an adverb, as Madvig says, like 'repentino,' Pro P. Quintio, c. 4; Cæsar, B. G. ii. 33. It is a mistake to join it with 'testimonio.' The Romans said 'pro testimonio,' which means 'in the evidence;' as In Verr. ii. 4, c. 9, "verum pro testimonio dixisse." Klotz compares the German expression 'an zeugen statt,' 'as a witness.' —'sed nulla:' P. G. Some editions have 'sed ulla.' The critics explain the negative in various ways. Madvig calls it an anacoluthon. There are many uses of negatives which can be brought under no rule. Whether we have 'ulla' or 'nulla' the same meaning is intended, and the same sense must be given to the passage. Cicero having said 'nullum .. sermonem,' would or might have said 'ulla de re,' if no words had been interposed; but it would be a feeble form of expression, and his meaning would not be so clear if he said 'ulla de re,' when these words are so far separated from 'nullum . . . sermonem.' And this is the meaning of Madvig's remark, who however says, that 'sed nulla' is used on account of the words 'non modo;' but I think it might stand even if 'non modo' were not there, at least if it were separated from 'nullum sermonem' by any parenthetical matter.—'qui et:' 'cum et,' Halm.

T. Claudium] Who seems to have intended to prosecute Sestius, or who was a 'subscriptor' to Albinovanus in the prosecution (Manutius).

contiones .. scriptas] The harangues of Sestius during his tribunate, when he was endeavouring to make the people favourable to Cicero's recall. A passage of Isidorus (Origg. i. 21, p. 39, Lind.) is instructive: "Notarum usus erat ut quidquid pro contione aut in judiciis diceretur, librarii scriberent complures simul astantes, divisis inter se partibus quot quisque verba et quo ordine exciperet." See Pro Sulla, c. 14, note on shorthand writing.

in quorum altero] 'In quo alterum,' P. Halm. Madvig's reason for preferring

in altero inconstantiam tuam quum levitate tum etiam perjurio implicatam refellisti, quum, quem alienissimum a te esse dixisses, eum domi tuae fuisse, quem praevaricatorem esse ab initio judicasses, ei te quos rogasset ad accusandum libros dixeris dedisse. II. Nimium es vehemens feroxque natura: non putas fas esse verbum ex ore exire cujusquam, quod non jucundum et honorificum ad aures tuas accidat. Venisti iratus omnibus; quod ego, simulac te aspexi, prius quam loqui coepisti, quum ante Gellius, nutricula seditiosorum omnium, testimonium diceret, sensi atque providi. Repente enim te, tamquam serpens e latibulis, oculis eminentibus, inflato collo, tumidis cervicibus, intulisti, ut mihi renovatus ille tuus in to * *

* * veterem meum amicum, sed tamen tuum familiarem, defenderim, quum in hac civitate oppugnatio soleat, qua tu nunc uteris, nonnumquam, defensio numquam vituperari. Sed quaero a te cur C. Cornelium non defenderem; num legem aliquam Cornelius

the reading of P. is this: "Cicero had not, in what he had said distinguished two things, to which things these words can be severally referred; but he had signified that one 'testimonium' of Vatinius comprehended several parts." Hermann also says, "one thing only precedes, from which Cicero infers two things." The difference in meaning is not much between the two readings, hardly any.

subornatos] See Pro Q. Roscio, c. 17, note, Vol. ii.—'implicatam:' the same as 'conjunctam,' as Ernesti says.—'refellisti:' 'you have proved your own inconsistency.' Garatoni compares Pro Ligario, c. 5: "refellere et coarguere nostrum mendacium."—'praevaricatorem:' Pro Cluentio, c. 21, note. The 'libri' are the speeches of Sestius taken down in shorthand, which were to be used as evidence against him.

2. *accidat*] Pantagathus, 'accidit' P. 'accedat' G. 'Accidat' is, 'falls on the ear,' which 'accedat' would not express. It is a good correction.—'Gellius:' see Pro Sestio, c. 52. Abrami refers to Juvenal vii. 148: "nutricula caussidicorum Africa;" and Gellius is here called 'nutricula,' to mark his. effeminacy and lewdness, says Abrami.

inflato collo, &c.] Manutius supposes that Cicero alludes to the passionate temper of Vatinius; but he jokes on the swellings on Vatinius' neck (Pro Sestio, c. 65). Halm well observes that we may wonder at Tullius practising this kind of 'urbanitas' so often, if Seneca (De Const. Sap. c. 17) has told the truth: "Vatinium, hominem natum ad risum et odium, scurram fuisse venustum ac dicacem memoriae proditum est. In pedes suos ipse plurima dicebat et in fauces concisas: sic inimicorum, quos plures habebat quam morbos, et in primis Ciceronis urbanitatem effugit." The fellow had humour and sense, and Cicero shewed his want of sense as well as his want of decency in alluding to the personal deformities of a man who had disarmed his enemies by his own good humour and jokes against himself.—'te intulisti:' 'you presented yourself.'

*tuus in to * **] In P. there is a great 'lacuna' after 'to:' "Sunt enim vacui unius columnae, quae 36 versibus constare solent, 23 versus, et praeterea tota pagina sive duae columnae quas vocant. In G. jam nullum est defectus signum" (Halm).

C. Cornelium] C. Cornelius, who was tr. pl. in B. C. 67, brought on himself the hostility of the senate by the Leges which he proposed. One of his most important Leges was this, that only the Populus should have the power of releasing any person from the obligation of a Lex. The tr. pl. P. Servilius Globulus, who was gained over by the other side, used his veto and resisted the reading of the Lex by the Praeco, upon which Cornelius read it himself (codicem legisse dicebatur). A great disturbance was raised against the consul C. Piso, who was opposed to Cornelius, and Cornelius dismissed the meeting. However Cornelius was charged with exciting a disturbance and not yielding to the Intercessio of his

contra auspicia tulerit; num Aeliam, num Fufiam legem neglexerit; num consuli vim attulerit; num armatis hominibus templum tenuerit; num intercessorem vi dejecerit; num religiones polluerit, aerarium exhauserit, rem publicam compilarit. Tua sunt, tua sunt haec omnia. Cornelio ejusmodi nihil objectum est. Codicem legisse dicebatur. Defendebat testibus collegis suis non se recitandi caussa legisse, sed recognoscendi. Constabat tamen Cornelium concilium illo die dimisisse, intercessioni paruisse. Tu vero, cui Cornelii defensio displicet, quam caussam ad patronos tuos aut quod os afferes? quibus jam praescribis quanto illis probro futurum sit, si te defenderint, quum tu mihi Cornelii defensionem in maledictis objiciendam putaris. Ac tamen hoc, Vatini, memento, paullo post istam defensionem meam, quam tu bonis viris displicuisse dicis, me, quum universi populi Romani summa voluntate, tum optimi cujusque singulari studio, magnificentissime post hominum memoriam consulem factum, omniaque ea me pudenter vivendo consecutum esse, quae tu impudenter vaticinando sperare te saepe dixisti.

colleague. Soon after he went out of office, he was prosecuted for Majestas by C. and P. Cominius on the ground of not having yielded to the Intercessio of his colleague. But the Praetor, L. Cassius Longinus, not appearing on the tribunal, and the friends of Cornelius putting the prosecutors to flight, Cassius stopped the proceedings, and the prosecutors did not appear again on the next day. In the next year, B.C. 65, the prosecution of Cornelius was taken up by P. Cominius again, and Cicero defended Cornelius on four several days. Cornelius was acquitted (Rein, Das Criminalrecht der Römer; Asconius, In Cornel. p. 56).

contra auspicia] which Vatinius had done (c. 9), and all the rest that Cicero mentions.—'Aeliam:' see Index, Vol. iii.—'codicem:' which contained the terms of his Lex. It was the usual practice to publish (promulgare) the terms of a Lex by setting it up in the Forum or other places, where it could be copied. (De Lege Agraria, ii. 5, Vol. ii.) The Lex was sometimes read by a Scriba (Appian, B. C. i. 12), as in this case: "Is (P. Servilius tr. pl.), ubi legis ferendae dies venit, et praeco subjiciente scriba verba legis recitare populo coepit, et scribam subjicere et praeconem pronuntiare passus non est. Tum Cornelius ipse codicem recitavit" (Becker, Röm. Alt. i. p. 26, note 41).

defendebat] P. G. have 'defendebatur,' but as the best MSS. have 'non se recitandi,' and not 'non recitandi,' Madvig made the correction 'defendebat.' He affirms that 'defendor fecisse' is not Latin, but as Halm remarks, there is no reason why the Romans could not say 'defendor fecisse,' which means, 'it is maintained that I did;' and Cicero uses this form, as he shows (De Inv. ii. 32): "Necessitudo autem infertur, quum vi quadam reus id quod fecerit fecisse defenditur."

sed recognoscendi] For the purpose merely of seeing if it was correctly written, says Manutius; and he compares Pro Balbo, c. 5: "nos Cn. Pompeii decretum, judicium de consilii sententia pronuntiatum recognoscemus."—'praescribis:' 'you show them how disgraceful it will be to them.'

paullo post] The defence was in B. C. 65, and Cicero was elected consul in B. C. 64.—'bonis viris:' the Optimates whom, as Vatinius said, Cicero offended by defending Cornelius.—'post hominum:' see what Cicero says of his election, De Lege Agraria, ii. 1.—'vaticinando:' his declaration that he should be consul sometime, and so he was at last, for a few days, B. C. 47: "In consulatu Vatinii, quem paucis diebus gessit, notabilis Ciceronis urbanitas circumferebatur: Magnum ostentum, inquit, anno Vatinii factum est, quod illo consule nec bruma, nec ver, nec aestas, nec autumnus fuit" (Macrob. Sat. De jocis M. Tullii

III. Nam quod mihi discessum objecisti meum, et quod horum, quibus ille dies acerbissimus fuit, qui idem tibi laetissimus, luctum et gemitum renovare voluisti, tantum tibi respondeo, me, quum tu ceteraeque rei publicae pestes armorum caussam quaereretis, et quum per meum nomen fortunas locupletium diripere, sanguinem principum civitatis exsorbere, crudelitatem vestram odiumque diuturnum, quod in bonos jam inveteratum habebatis, saturare cuperetis, scelus et furorem vestrum cedendo maluisse frangere quam resistendo. Quare peto a te ut mihi ignoscas, Vatini, quum ei patriae pepercerim quam servaveram; et, si ego te perditorem et vexatorem rei publicae fero, tu me conservatorem et custodem feras. Deinde ejus viri discessum increpas, quem vides omnium civium desiderio, ipsius denique rei publicae luctu esse revocatum? At enim dixisti, non mea sed rei publicae caussa homines de meo reditu laborasse. Quasi vero quisquam vir excellenti animo in rem publicam ingressus optabilius quidquam arbitretur quam se a suis civibus rei publicae caussa diligi. Scilicet aspera mea natura, difficilis aditus, gravis vultus, superba responsa, insolens vita; nemo consuetudinem meam, nemo humanitatem, nemo consilium, nemo auxilium requirebat, cujus desiderio, ut haec minima dicam, forum

Ciceronis, ii. 3). In the word 'vaticinando,' as Hotmann observes, Cicero is playing on the name of Vatinius.

3. *discessum*] Cicero's leaving Rome when he was threatened by Clodius. Vatinius charged him with being afraid, as Goveanus supposes, but Halm observes that Vatinius meant his leaving Rome to be taken as a proof of Cicero's unpopularity; which is the better opinion. See Pro Sestio, c. 22.—'horum:' all the whole people in the court, judices and hearers.

pestes] P. Clodius, A. Gabinius, L. Piso, and their faction.—'per meum nomen:' 'using my name as a pretext.'

quum ei patriae] A. has 'quum et,' which seems to be intended for 'quum ei,' and also 'pepercissem.' Madvig alters the passage thus, 'quod ei patriae peperci,' saying "huic enim ipsi tamquam peccato ignosci Cicero vult, non propter eam causam ignosci nescio cui rei." Hermann writes 'quum ei patriae peperci,' and Halm follows him.

perditorem et vexatorem] The weaker word as it is called is placed after the stronger. Halm observes that when two or more words are put together to increase the force of the expression, the proper order is not always observed. This may be so. If any one has listened to a modern speaker, he will often find two words of like signification used, and the weaker word placed second; but this is a proof of the speaker's weakness. It is common to see this order of words in writing too, and for the same reason. The writer does not exactly know what he is saying. Cicero may have known what he was talking about. He calls Vatinius a 'perditor rei publicae,' one who would have ruined the state, if he could; and Cicero had saved the state at a critical time. He was the 'conservator,' while Vatinius was the 'perditor.' Again, after this attempt to be a 'perditor,' Vatinius was a 'vexator rei publicae,' a turbulent fellow, and Cicero was a 'custos,' a guardian, a protector. For he does not call himself 'custos,' because he retired from Rome to avoid the conflict, as Garatoni supposes, which would be a strange kind of 'custodia;' but because of his present disposition towards the state he calls himself 'custos,' as Hermann says.

vir excellenti animo] 'a man of a good disposition.'—'insolens vita:' 'arrogantiae plena' (Abrami).

cujus desiderio] The Scholiast thinks that Cicero speaks rather arrogantly. But it was his fashion. See Pro Sestio, c. 60.

maestum, muta curia, omnia denique bonarum artium studia siluerunt. Sed nihil sit factum mea caussa: omnia illa senatusconsulta, populi jussa, Italiae totius, cunctarum societatum, collegiorum omnium decreta de me rei publicae caussa esse facta fateamur. Quid ergo, homo imperitissime solidae laudis ac verae dignitatis, praestantius mihi potuit accidere? quid optabilius ad immortalitatem gloriae atque in memoriam mei nominis sempiternam quam omnes hoc cives meos judicare, civitatis salutem cum unius mea salute esse conjunctam? Quod quidem ego tibi reddo tuum. Nam ut tu me carum esse dixisti senatui populoque Romano non tam mea caussa quam rei publicae; sic ego te, quamquam sis omni diritate atque immanitate taeterrimus, tamen dico esse odio civitati non tam tuo quam rei publicae nomine.

IV. Atque ut aliquando ad te veniam, de me hoc sit extremum. Quid quisque nostrum de se ipse loquatur, non est sane [non est] requirendum. Boni viri judicent: id est maximi momenti et ponderis. Duo sunt tempora quibus nostrorum civium spectentur judicia de nobis; unum honoris, alterum salutis. Honos tali populi Romani voluntate paucis est delatus ac mihi; salus tanto studio

He says 'haec minima,' in comparison with the senatusconsulta and the indications of the popular good-will towards him on the occasion of his recall. Klotz defends Cicero from the charge of arrogance. See the next note.

bonarum artium] A commentary on Cicero would be endless, if it contained all that has been said on him. A reader of sound judgment, who keeps his attention fixed on his author, may often rightly understand him without being aware that there is a difficulty. And so it is here. Cicero says that in the sorrow for his absence, the Forum was mourning, the Senate was silent, finally all liberal pursuits were struck dumb. There are 'artes liberales' and 'artes sordidae' (De Off. i. 42). There were many 'bonae artes;' and those which he is here speaking of seem to be the 'artes' of those who were engaged in public life, and chiefly the 'ars' of eloquence. These kept silence in the Forum and the Curia only because they were vexed at the fate which had befallen such an active combatant in these places; as Klotz says.

nihil sit factum] 'Suppose that nothing was done for my sake.'—'senatusconsulta:' see Pro Sestio, c. 61.—'societatum:' the 'societates' of the Publicani. Pro Sestio, c. 14, and the notes. (Vol. iii.)

cum unius mea] The common order in the editions is 'cum mea unius.' Comp. Pro Sestio, c. 60.—'quod quidem ... tuum:' which is, as Manutius explains it, 'tibi par pari referam,' 'I will give you as good as you give me,' or following the order, 'which indeed I to you give back as your own.' Goveanus compares Terence, Phorm. Prol. v. 22:

> "Quod ab ipso allatum est, id si esse relatum putet."

quamquam sis] Halm has 'quamquam es,' the emendation of Wesenberg; which is probably right.

4. *duo sunt tempora quibus ... spectentur*] 'There are two occasions well suited for trying men's opinions about us.' So Caesar (B. G. i. 6) says "Erant omnino itinera duo, quibus itineribus domo exire possent:" there were two roads and only two for leaving the country by. The 'honos' is the popular election to the office of a magistratus; the 'salus,' the time when a man's life and fortune are at stake; and here it is Cicero's restoration from exile, as he says soon after.

honos tali] See In Pison. c. 1; and what he says of his election to the Praetorship, De Imp. Cn. Pompeii, c. 1.

tali ... voluntate ... ac mihi] Hand quoted by Halm refers to Terence, Phormio v. 9. 38: "Faxo eum tali mactatum atque hic est infortunio." The origin of the form

civitatis nemini reddita. De te autem homines quid sentiant, in honore experti sumus, in salute exspectamus. Sed tamen ne me cum his principibus civitatis, qui adsunt P. Sestio, sed ut tecum, cum homine uno non solum impudentissimo * * * et mihi inimicissimo, quaero, Vatini, utrum tandem putes, huic civitati, huic rei publicae, huic urbi, his templis, aerario, curiae, viris his quos vides, horum bonis, fortunis, liberis, civibus ceteris, denique deorum immortalium delubris, auspiciis, religionibus melius fuisse et praestabilius, me civem in hac civitate nasci an te? Quum mihi hoc responderis, aut ita impudenter ut manus a te homines vix abstinere possint, aut ita dolenter ut aliquando ista quae sunt inflata rumpantur, tum memoriter respondeto ad ea quae de te ipso rogaro. V. Atque illud tenebricosissimum tempus ineuntis aetatis tuae patiar latere. Licet impune per me parietes in adolescentia perfoderis, vicinos compilaris, matrem verberaris. Habeat hoc praemii tua indignitas, ut adolescentiae turpitudo obscuritate et sordibus tuis obtegatur.

is plain enough from this passage: 'the office was conferred with such good-will on the part of the Roman people on a few and on me.' Like many expressions in common use this was sometimes used with less grammatical exactness; but the meaning was understood. Caesar (B. G. i. 28) says: "quosque postea in parem juris libertatisque conditionem atque ipsi erant receperant."

in honore] In his election to the quaestorship (c. 5), and his rejection, when he was a candidate for the aedileship (c. 16).—'in salute:' on his trial, for his prosecution by C. Licinius Calvus was already begun, says the Scholiast, whom Mommsen corrects by stating that Calvus had not commenced the prosecution, but was preparing it.

tecum] 'sed ut tecum cum' P. 'sed ut tecum' G. The common reading is 'sed ut cum homine.'

*non solum * * **] I have followed Halm here. There is something wanting in the text.—'viris his quos vides:' the judices on the trial of P. Sestius (Manutius).

hoc responderis] Garatoni warns us against altering this to 'ad hoc,' and so making it like 'respondeto ad ea;' and he refers us to c. 7, "simul etiam illud volo uti respondeat," and c. 17. A man who has read carefully would never think of altering 'hoc responderis,' which is a common form. Garatoni compares it with the Greek τοῦτο ἀποκρίνεσθαι. Caesar says 'his respondere' and 'ad haec respondere.'

ista quae inflata rumpantur] Lambinus wrote 'ista ilia quae,' 'ilia' being added by Giunta. Cicero means the man's arrogance and the 'nimius tumor animi' as the Scholiast says, and also his personal deformity, his 'strumae.'

memoriter] 'fully and truly,' so as to forget nothing, as Madvig explains it Ad Cic. de Finibus, p. 74 (Halm); who also refers to what Seyffert says on this word (Cicero, Laelius, p. 9). Seyffert says that the proper signification of 'memoriter' is 'ex memoria,' 'out of a man's own recollection.' That 'memor' and 'memoriter' should by virtue of the context imply 'fully and truly' is simple; but Seyffert is right in looking to the primary meaning, and so we should here. Cicero says, 'then out of your memory answer.' What else was he to answer from? He is told to answer as well as his memory will serve him. It is plain from the questions put to him, that he would neither answer fully nor truly, if he did answer; nor would Cicero expect an answer. But he tells him to consult his memory and do his best.

5. *parietes . . perfoderis*] What the Greeks named τοιχωρυχεῖν, to break into houses and rob. These men the Romans called 'effractores.' Hermann warns us against supposing that Cicero charges Vatinius with these particular offences. If any reader feels the necessity of the warning, he has it.—'hoc praemii:' 'hoc praemium' G. But the genitive is the genuine form here: 'Let your worthlessness get so much

Quaesturam petisti cum P. Sestio, quum hic nihil loqueretur nisi quod agebat, tu de altero consulatu gerendo te diceres cogitare. Quaero abs te teneasne memoria, quum P. Sestius quaestor sit cunctis suffragiis factus, tunc te vix invitis omnibus non populi beneficio sed consulis extremum adhaesisse? In eo magistratu, quum tibi magno clamore aquaria provincia sorte obtigisset, missusne sis a me consule Puteolos, ut inde aurum exportari argentumque prohiberes? In eo negotio, quum te non custodem ad continendas, sed portitorem ad partiendas merces missum putares, quumque omnium domos, apothecas, naves furacissime scrutarere, hominesque negotii gerentes judiciis iniquissimis irretires, mercatores e navi egredientes terreres, conscendentes morarere, teneasne memoria tibi in conventu Puteolis manus esse allatas, ad me consulem querelas Puteolanorum esse delatas? Post quaesturam

as this.'—'sordibus tuis:' here he means the meanness of his way of living. See c. 1.

P. Sestio] He was the quaestor of C. Antonius, Cicero's colleague in the consulship (Pro Sestio, c. 3).—'nisi quod agebat:' he spoke of nothing except the business in hand, the quaestorship, while Vatinius was talking even about a second consulship.

non populi beneficio] The office conferred by the popular vote was said to be given by the 'beneficium' of the Pop. Rom. (Verr. ii. 1, c. 5, note; Pro Murena, c. 1.) It could not be conferred by the 'beneficium' of the Consul in the same sense in which it was conferred by the Populus, by a vote. It was therefore done some other way, and the plain conclusion is that of Ferratius, that it was done by fraud, by a false return. 'He stuck on at the end' (extremum adhaesisse). Manutius remarks that there were now twenty quaestors under a Lex enacted in Sulla's time, the number before him having been eight. (Tacit. Ann. xi. 22.)

aquaria provincia] It cannot be the Ostiensis Provincia (Pro Murena, c. 8), as some suppose. The context shows that it was Baiae, a place of resort for its hot springs, whence it was sometimes called the waters (aquae) (Pro Plancio, c. 27; ad Att. xiv. 12). The people did not like this Provincia falling to the lot of Vatinius, because he would have the care of the imports, and particularly of the corn.—'Puteolos:' it was a great emporium in Cicero's time, as Festus (Paul. Diac. p. 122, Muell. quoted by Halm) says: "Minorem Delum Puteolos esse dixerunt, quod Delos aliquando maximum emporium fuerit totius orbis terrarum, cui successit postea Puteolanum, quod municipium Graecum antea Δικαιαρχία vocitatum est." See De Lege Agraria, ii. 31; Strabo xvii. p. 793.

aurum exportari] So in the oration Pro Flacco, c. 28, the Jews were forbidden to export the precious metals. The Romans tried to keep the gold and silver in Italy, but they could not. The coin was wanted to pay for the imports into Italy. They had nothing else to buy them with. Vol. ii. The Province ASIA, p. 288.

portitorem] The 'portitores' were those who farmed the custom-house duties; and they had the right of demanding the port duties, or taking, we may suppose, an equivalent out of the goods themselves (ad partiendas merces).—'apothecas:' the warehouses which Vatinius rummaged, as Cicero says.

negotii gerentes] "negotium G. corr. m. 2" (Halm). See Pro Sestio, c. 45.—'in conventu:' 'conventus' signifies both a place in a Provincia where men met to have their disputes settled in court, and also the meeting of the people for that purpose. But Halm observes that Puteoli was a Praefectura, and that there is no evidence that the courts held in Praefecturae were ever called 'conventus.' Abrami supposed that this was a 'conventus negotiatorum,' a meeting of the merchants at Puteoli for purposes of business. Hermann supposes it to be the body of the coloni of Puteoli (consilium publicum) who met for the affairs of the colony. But the merchants who were vexed and plagued might not be Coloni; and we assume that it was in some meeting, when the merchants were assem-

exierisne legatus in ulteriorem Hispaniam C. Cosconio pro consule? Quum illud iter Hispaniense pedibus fere confici soleat, aut, si qui navigare velit, certa sit ratio navigandi, venerisne in Sardiniam atque inde in Africam? fuerisne, quod sine senatusconsulto tibi facere non licuit, in regno Hiempsalis? fuerisne in regno Mastanesosi? venerisne ad fretum per Mauritaniam? Quem scias umquam legatum Hispaniensem istis itineribus in illam provinciam pervenisse?

Factus es tribunus pl.—quid enim te de Hispaniensibus flagitiis tuis, sordidissimisque furtis interrogem?—quaero abs te primum universe, quod genus improbitatis et sceleris in eo magistratu praetermiseris? Ac tibi jam inde praescribo, ne tuas sordes cum clarissimorum virorum splendore permisceas. Ego te quaecumque rogabo de te ipso rogabo, neque te ex amplissimi viri dignitate, sed ex tuis tenebris extraham: omniaque mea tela sic in te conjicientur, ut nemo per tuum latus, quod soles dicere, saucietur: in tuis pulmonibus ac visceribus haerebunt. VI. Et, quoniam omnium rerum magnarum ab diis immortalibus principia ducuntur, volo ut mihi respondeas, tu, qui te Pythagoreum soles dicere et

bled, that violent hands were laid on Vatinius.

ulteriorem Hispaniam] Spain at this time was divided into two Provinciae (Pro Fonteio, c. 7). The subdivision of Ulterior into two parts, one of which was called Lusitania, was made in Augustus' time.

pro consule] C. Cosconius was praetor in Cicero's consulship, and afterwards had the Ulterior Hispania, with the title of Proconsul. Pro Sulla, c. 14. In c. 7 another C. Cosconius is mentioned, who was a colleague of Vatinius in his tribunate, and a Judex on the trial of Sestius.

pedibus confici] The Romans generally went to Spain by land, through the south of France; but the shortest road to the Ulterior Provincia was by sea. However Vatinius ought to have gone direct to his province. Abrami quotes Ulpian, De Officio Proconsulis, Dig. 1. 16. 4, § 5: "Ingressum etiam hoc eum observare oportet, ut per eam partem provinciae ingrediatur, per quam ingredi moris est" &c.

sine senatusconsulto] See In Pison. c. 21; Pro Rabirio Post. c. 8. Halm suspects that Vatinius was sent by C. Caesar to visit Hiempsal's kingdom; for Caesar defended (B. C. 62) at Rome an African prince Masinissa or Masintha against the claims of this Numidian king Hiempsal (Drumann, Geschichte Roms, iii. 185).

Mastanesosi] Nobody knows what this is. The 'fretum' is the strait of Gibraltar, which Vatinius crossed to pass into Spain.

jam inde] Garatoni could not understand this 'inde.' It refers to the very beginning of Vatinius' tribunate: 'And I give you notice now from the commencement of your tribunate not to mix up your dirty tricks with the high reputation of the most illustrious men.' The most illustrious is C. Caesar, whose tool Vatinius was in Caesar's consulship B.C. 59, the year of Vatinius' tribunate. Cicero was now on good terms with Caesar, who was pursuing his victorious career in Gallia, or he thought it prudent to pretend that he was. (B.C. 56). Cn. Pompeius too was now Caesar's son-in-law; and Pompeius had helped to Cicero's restoration.

per tuum latus] Abrami quotes Livy 40, c. 9: "nec per meum latus tu petaris." He would not wound Caesar through Vatinius.

6. *Pythagoreum*] The Scholiast speaks of Nigidius Figulus, a Pythagorean of this time, 'ad quem plurimi conveniebant.' Pythagoras had a great name, and he was far enough removed from this time to have all kinds of absurdities fathered on. Cicero (De Legg. ii. 11) calls him 'doctissimus.'—'susceperis:' 'succeperis' P. Halm, who says that Cicero perhaps used this form of

hominis doctissimi nomen tuis immanibus et barbaris moribus praetendere, quae te tanta pravitas mentis tenuerit, qui tantus furor, ut, quum inaudita ac nefaria sacra susceperis, quum inferorum animas elicere, quum puerorum extis deos manes mactare soleas, auspicia, quibus haec urbs condita est, quibus omnis res publica atque imperium tenetur, contempseris, initioque tribunatus tui senatui denuntiaris, tuis actionibus augurum responsa atque ejus collegii arrogantiam impedimento non futura? Secundum ea quaero servarisne in eo fidem? num quando tibi moram attulerit quo minus concilium advocares legemque ferres, quod eo die scires de caelo esse servatum? Et quoniam hic locus est unus quem tibi cum Caesare communem esse dicas, sejungam te ab illo, non solum rei publicae caussa, verum etiam Caesaris, ne qua ex tua summa

the word only in the phrase 'sacra succipere.' It was, he says, "forma antiqua et in rebus sacris poni solita;" and he quotes Festus, p. 321, Muell. and Wagner, Orthog. Vergil. p. 473.—'inferorum animas:' this was one of the impudent pretences of the necromancers, to bring the dead up, as described in Horace, Sat. i. 8 (Abrami); who, as Halm observes, after his fashion has collected heaps of matter about this superstitious practice. Halm refers to Varro, quoted by Augustin, de Civit. viii. 25, who says that Pythagoras studied necromancy, and that the art was brought from Persia. Likely enough. The east is the fertile mother of superstition.

puerorum extis] Abrami observes that Pythagoras could not be charged with this, for he killed nothing that had life. Gregorius of Nazianzus and others accused Julian the emperor of doing this; which is an invention of their own. Juvenal, Sat. vi. 550, says,

"—— Armenius vel Commagenus haruspex
Pectora pullorum rimabitur, exta catelli,
Interdum et pueri."

Ammianus (xxix. 2) tells a story of one Pollentianus, a tribunus in the time of Valens, cutting open a pregnant woman and taking the child out for the purpose of calling up the manes to know if there was to be a change in the empire. Lindenbrog in his note quotes a like story about the Emperor Maxentius from Eusebius (Hist. Eccles. viii. c. 14), and he also tells the story about Julian, giving his authorities.

mactare] 'to appease' or 'please.'—'auspicia:' Bibulus the consul, Caesar's colleague, is said 'servasse de caelo,' in order to prevent the Leges of Caesar from being carried, but Caesar and Vatinius cared not for his religious objections (Sueton. Julius, c. 20). See De Lege Agraria, 11. 12, note on 'auspicia.' Rome was founded under the auspicia: "qua gloria parta urbem auspicato condere et firmare dicitur (Romulus) primum cogitavisse rem publicam" (Cicero, de Re Publica ii. 3, and 9). Every thing was done at Rome with a religious ceremonial. The safety of the state depended on the observance of religious forms. Machiavelli (Discorsi, i. c. 12) has examined this matter and placed in contrast the Roman strict observances of religion with the neglect of their religion by the Christians, to which neglect of the Church of Rome he ascribes the ruin of Italy.

fidem] He asks if he kept his promise. He means that he did.—'de caelo servatum:' see De Domo, c. 15, note.—'hic locus est unus:' 'de auspiciis neglectis' (Halm), who says that Osiander (see Vol. iii. Index) ought to have translated 'quem . . dicas' thus, 'von dem du etwa behaupten könntest.' I suppose this unlucky translator missed the meaning of the subjunctive in his version. Cicero does not say 'quem dicis,' 'which you say,' but he says, 'this is the only matter in which you can say.'

rei publicae caussa] For it would cause disturbance, says Goveanus, if the Leges of Caesar should be declared null for informality, particularly his Agraria Lex.—'quod facit Caesar:' Caesar had submitted his Lex Agraria to the Senate for their approbation (Dion 38, c. 2; Sueton. Caesar, c. 23). Cicero, who did not like the Lex, had retired into the country to avoid being present.

indignitate labes illius dignitati aspersa videatur. Primum quaero, num tu senatui caussam tuam permittas, quod facit Caesar? deinde, quae sit auctoritas ejus, qui se alterius facto, non suo defendat? deinde, erumpet enim aliquando ex me vera vox et dicam sine cunctatione quod sentio, si jam violentior aliqua in re C. Caesar fuisset, si eum magnitudo contentionis, studium gloriae, praestans animus, excellens nobilitas aliquo impulisset, quod in illo viro et tum ferendum esset et maximis rebus quas postea gessit oblitterandum, id tu tibi, furcifer, sumes, et Vatinii latronis ac sacrilegi vox audietur hoc postulantis, ut idem sibi concedatur quod Caesari? VII. Sic enim ex te quaero. Tribunus pl. fuisti: sejunge te a consule: collegas habuisti viros fortes novem. Ex iis tres erant, quos tu quotidie sciebas servare de caelo, quos irridebas, quos privatos esse dicebas, de quibus duos praetextatos sedentes vides, te aediliciam praetextam togam quam frustra confeceras vendidisse, tertium scis ex illo obsesso atque afflicto tribunatu consularem

nobilitas] As Manutius reminds us, Caesar in his funeral oration over his aunt Julia derived his pedigree from Venus, which is certainly an antient pedigree; like that of the Antonii, who came from Anton, a son of Hercules, and thus ultimately from Jupiter (Plutarch, Antonius, c. 4). Halm has the following remark: "noblemen (viri nobiles) think they may do many things, which men of plebeian stock are not allowed to do with impunity, and then they very readily allow themselves to be hurried somewhither (aliquo), when they see that their plans are opposed." I suppose it is so, as he tells us that it is.

maximis rebus] It was now the third year of Caesar's Gallic war, and he had done very great things (maximis rebus). He had slaughtered the Helvetii, driven Ariovistus and his Germans into the Rhine, broken the Belgian confederation in the bloody fight on the Sambre, and reduced all Gallia to submission (B. G. ii. 35). Cicero's argument is ludicrous and very disgraceful to him. Caesar had done many things in his consulship which Cicero disapproved, and though Caesar had submitted his Lex Agraria to the Senate, he afterwards did not trouble himself about getting their previous approbation. *κἀκ τούτου οὐδ' ἄλλο τι τῇ γερουσίᾳ ἐν τῇ ἀρχῇ ταύτῃ ἐπεκοινώνησεν, ἀλλ' ἐς τὸν δῆμον ἄντικρυς πάνθ' ὅσα ἐβούλετο ἐσέφερεν* (Dion 38, c. 4).

Cicero's argument is this: If such a great gentleman as C. Caesar was hurried on to some irregularities, such a dirty fellow as you must not claim the same licence.

7. *tres erant*] The Scholiast supposes them to be Domitius Calvinus, Q. Ancharius, and C. Fannius. See Pro Sestio, c. 36, on the 'intercessio' of the tribuni. Vatinius treated his colleagues as if they were private persons (privatos dicebat), who had no power 'servare de caelo.'—'praetextatos sedentes:' they were praetors, and Vatinius could see them, or Cicero says that he could, sitting in their dress on the Sella curulis.

The Scholiast in his lemma omits the word 'aediliciam,' and the omission is approved by Madvig, for these reasons: The words 'praetexta toga' ought to be referred to 'praetextatos,' and not the word 'aedilicia;' at least 'aedilicia' ought not to be placed first: it was not an 'aedilicia toga,' for Vatinius had not been elected aedile; and the adjective so placed would signify that the praetexta of all the magistratus was not the same; which, as he says, is false. Halm, who answers these objections, says they are acute. Quite the contrary, I think. All we have to do is to give some reason why the Schol. omits the word, and as Orelli observes, the Schol. often omits in the lemma that which can be omitted without any injury to the meaning.

Vatinius had ordered his official dress before the election was over. One has heard of such mistakes in our own times; of a man getting a new card plate rather too soon. Cicero (Ad Fam. ii. 16) says: "Togam praetextam texi Oppio puto te audisse."

tertium . . . consularem] C. Fannius (Pro Sestio, c. 53). Fannius behaved so

auctoritatem hominem esse adolescentem consecutum. Reliqui sex fuerunt, e quibus partim plane tecum sentiebant, partim medium quendam cursum tenebant: omnes habuerant leges promulgatas, in iis multas meus necessarius etiam de mea sententia C. Cosconius, judex noster; quem tu dirumperis quum aedilicium vides. Volo uti mihi respondeas, num quis ex toto collegio legem sit ausus ferre praeter unum te? quae tanta in te fuerit audacia, quae tanta vis, ut, quod novem tui collegae sibi timendum esse duxerint, id unus tu emersus e coeno, omnium facile omnibus rebus infimus, contemnendum, despiciendum, irridendum putares? num quem post urbem conditam scias tribunum plebis egisse cum plebe, quum constaret servatum esse de caelo? Simul etiam illud volo uti respondeas, quum, te tribuno pl., esset etiam tum in re publica lex Aelia et Fufia—quae leges saepenumero tribunicios furores debilitarunt et represserunt, quas contra praeter te nemo umquam est facere conatus, quae quidem leges anno post, sedentibus in templo duobus non consulibus, sed proditoribus hujus civitatis ac pestibus, una cum auspiciis, cum intercessionibus, cum omni jure publico conflagraverunt—ecquando dubitaris contra eas leges cum plebe agere et concilium convocare? num quem ex omnibus tribunis pl. quicumque seditiosi fuerunt tam audacem audieris fuisse, ut umquam contra legem Aeliam aut Fufiam concilium advocaret?

VIII. Quaero illud etiam ex te, conatusne sis, voluerisne, denique cogitaris,—est enim res ejusmodi ut, si tibi in mentem modo venit, nemo sit qui te ullo cruciatu esse indignum putet—cogitarisne in illo tuo intolerabili, non regno, nam cupis id audire, sed latrocinio, augur fieri in Q. Metelli locum, ut, quicumque te

well in his tribunate that he had as much the good opinion of the Optimates and as much credit (auctoritas) as if he had been consul.—'partim:' see Vol. iii. Index.

One of these is said to have been C. Alfius. In the oration Pro Sestio (c. 53, note) Cicero speaks of only two 'populares tribuni,' and one of them is Vatinius, as the words clearly show.

omnes habuerant] So the MSS.; but the editions have 'habuerunt.' The 'omnes' are the 'sex.'

quod novem] 'Quod' is the correction of Goveanus. The MSS. have 'quum' or 'cum,' which word is often confounded with 'quod.'—'egisse cum plebe:' see De Imp. Cn. Pompeii, c. 11, note.—'tribunicios furores:' see Pro Sestio, c. 15, note.

in templo] 'on the rostra.' The two consuls were Gabinius and Piso. They sat still, and looked on.

seditiosi fuerunt] 'fuerunt' P. G. The common reading is 'fuerint.' Madvig says: "he means a certain class of tribunes historically known; and therefore the meaning of the oratio obliqua does not fit the sense."

advocaret] 'convocaret' S. But 'concilium advocares' occurs in c. 6, where there is no variation; and 'concilio advocato' occurs in the De Domo, c. 30.

8. *latrocinio*] By which you exhausted the aerarium and from the greatest poverty made your way to the greatest wealth (Abrami). But how Vatinius contrived to get the money out of the aerarium into his own pocket, I know not.—'Q. Metelli:' Q. Metellus Celer died in B.C. 59 (Manutius). See Pro Caelio, c. 24.

aspexisset, duplicem dolorem gemitumque susciperet, et ex desiderio clarissimi et fortissimi civis, et ex honore turpissimi atque improbissimi? adeone non labefactatam rem publicam te tribuno, neque conquassatam civitatem, sed captam hanc urbem atque eversam putaris, ut augurem Vatinium ferre possemus? Hoc loco quaero, si, id quod concupieras, augur factus esses—in qua tua cogitatione nos, qui te oderamus, vix dolorem ferebamus, illi autem, quibus eras in deliciis, vix risum tenebant—sed quaero, si ad cetera vulnera, quibus rem publicam putasti deleri, hanc quoque mortiferam plagam inflixisses auguratus tui, utrum decreturus fueris id, quod augures omnes usque ab Romulo decreverunt, Jove fulgente cum populo agi nefas esse, an, quia tu semper sic egisses, auspicia fueris augur dissoluturus?

IX. Ac ne diutius loquar de auguratu tuo, quod invitus facio ut recorder ruinas rei publicae, neque enim tu umquam stante non modo majestate horum, sed etiam urbe, te augurem fore putasti—verum tamen, ut somnia tua relinquam, ad scelera veniam, volo uti mihi respondeas: quum M. Bibulum consulem—non dicam bene de re publica sentientem, ne tu mihi homo potens irascare, qui ab eo dissensisti, sed hominem certe nusquam progredientem, nihil in re publica molientem, tantum animo ab actionibus tuis dissentientem—quum eum tu consulem in vincula duceres, et ab tabula Valeria

eversam] G. 'perversam' P. Halm.—'putaris:' P. Manutius, 'putares' P. G.—'in deliciis:' 'whose darling you were.' Caesar and Pompeius, as Goveanus says, who quotes Cicero (Ad Att. ii. 9): "Proinde isti licet faciant quos volent consules, tribunos pl., denique etiam Vatinii strumam sacerdotii διβάφῳ vestiant."

deleri] Codd. 'deletum iri,' Ernesti, Halm, ed. 2.—'Jove fulgente:' 'Nonne perspicuum est ex prima admiratione hominum, quod tonitrua jactusque fulminum extimuissent, credidisse ea efficere rerum omnium praepotentem Jovem? Itaque in nostris commentariis scriptum habemus, Jove tonante, fulgurante comitia populi habere nefas" (Cicero, De Divin. ii. 18).

9. *majestate horum*] The judices, says Halm. Goveanus thought that Cicero meant the Roman people.—'nusquam progredientem:' Manutius supposes that Cicero alludes to Bibulus, the colleague of Caesar in his consulship, being compelled 'to leave the forum and keep at home' (c. 10). But it seems to mean no more than 'doing nothing,' making no resistance to Caesar and Caesar's faction, as Garatoni explains it, who compares De Harusp. Respons. c. 26, "ad omnia progredientem;" and Halm compares Pro Sestio, c. 35, "nihil progreditur."

in vincula duceres] See De Domo, c. 45, note.—'ab tabula Valeria:' some tabula argentaria, like the Sestia mentioned in the Pro Quintio, c. 6. Mai quotes a passage of Pliny (H. N. 35. 7): "Picturae dignatio praecipua Romae increvit, ut existimo, a M. Valerio Maximo Messala, qui princeps tabulam picturae praeli, quo Carthaginienses et Hieronem in Sicilia devicerat, proposuit in latere curiae Hostiliae anno A. U. C. CCCCXC." The 'tabula Valeria' is mentioned by Cicero (Ad Fam. xiv. 2). Mai supposes that the place is meant in which that picture had formerly been, and that the name remained. The Scholiast speaks of the 'tabula' of the exploits of Valerius Maximus 'in Gallia,' but 'in Gallia' may be a mistake of the Scholiast.—'pontem:' a passage was made by joining together the 'tribunalia,' of which there were several in the Forum and made of wood (Ascon. in Milon. Arg. p. 34; Dion Cassius 40, c. 49; Sueton. Caesar, 84).—'sublato auxilio:' the 'pons' was so constructed that the tribuni would

collegae tui mitti juberent, fecerisne ante rostra pontem continuatis tribunalibus, per quem consul populi Romani moderatissimus et constantissimus, sublato auxilio, exclusis amicis, vi perditorum hominum incitata, turpissimo miserrimoque spectaculo, non in carcerem, sed ad supplicium et ad necem duceretur? Quaero, num quis ante te tam fuerit nefarius qui id fecerit? ut sciamus, utrum veterum facinorum sis imitator an inventor novorum. Idemque tu quum his atque hujusmodi consiliis ac facinoribus, nomine C. Caesaris clementissimi atque optimi viri, scelere vero atque audacia tua, M. Bibulum foro, curia, templis, locis publicis omnibus expulisses, inclusum domi contineres, quumque non majestate imperii, non jure legum, sed januae praesidio et parietum custodiis consulis vita tegeretur, miserisne viatorem qui M. Bibulum domo vi extraheret, ut, quod in privatis semper est servatum, id te tribuno pl. consuli domus exsilium esse non posset? Simulque mihi respondeto tu, qui nos, qui de communi salute consentimus,

not give him their protection (auxilium), nor his friends get to him. He was to be taken to prison, but he might have been killed on the way, as Cicero insinuates, for nobody could come to his assistance.

id fecerit] 'Id fecerit' means all that Cicero has said, for this was not the first instance of a consul having been ordered to prison (Cic. De Legg. iii. 9). However, Halm observes, the consul did not reach the prison, for he was rescued by his friends and taken to Jupiter Stator's temple, as Appian says (B. C. ii. 11). Cicero leaves us to infer that he was taken to prison.

expulisses] But Suetonius (Caesar, c. 20) says that Caesar did this: "Lege agraria promulgata obnuntiantem collegam armis foro expulit." See Dion 38, c. 6.—'non majestate imperii:' Hermann asks whether Bibulus' imperium or that of the Roman people, for 'majestas' is properly the 'amplitudo et dignitas civitatis,' and he refers to Cicero, De Or. ii. 39, and Pro C. Rabirio, c. 1 and 3. It was a common expression. Horace has it (Carm. iv. 15. 14):

> "famaque et imperi
> Porrecta majestas ad ortum
> Solis ab Hesperio cubili."

Hermann adds that 'majestas' is also said of a consul's and praetor's power; and it seems to be so here.—'jure legum:' see De Domo, c. 15, and the note on this expression.—'viatorem:' an officer who summoned a person to appear. It was a principle of law that a man could not be forcibly taken from his house (De Domo, c. 41; and a better authority is Paulus, Dig. 2. 4. 21, quoted by Abrami).

id te tribuno pl.] Some critics, and Madvig among them, would omit the 'id,' because the clause beginning with 'id' does not correspond to the clause beginning with 'quod.' Madvig says if 'id' is used, we want another predicate, and that 'domus' cannot in any way be joined by "apposition to that word by which the whole antient rule of law is expressed, that is 'exsilium.'" If the pronoun is omitted, he observes, the expression is brief and rather harsh, but not inconsistent with Cicero's usage, for the full expression would be 'id te tribuno in consule non valeret ut ei,' &c. But other critics think that all may be right. If it is right, the meaning is that 'what has always been observed in the case of private persons (that their house should be a place of refuge), this in your tribunate was not allowed to a consul, that his house should be his protection.'

consentimus] The Optimates (Halm).—'auspiciis inventis:' see c. 6.—'evertere:' 'pervertere' P. Halm.—'Gracchorum:' the Indexes to the other volumes will direct the reader to other passages in these orations about the Gracchi, and the rest who are mentioned here. The Gracchi are continually alluded to by Cicero. 'Ferocitas,' says Goveanus, is a quality of 'adolescentia,' as Cicero tells us (De Sen. c. 10), "ferocitas juvenum, et gravitas jam constantis aetatis." 'Ferocitas' is 'violence,' 'impetuosity,'

tyrannos vocas, fuerisne non tribunus pl., sed intolerandus ex caeno nescio qui atque ex tenebris tyrannus? qui primum eam rem publicam, quae auspiciis inventis constituta est, iisdem auspiciis sublatis conarere evertere, deinde sanctissimas leges, Aeliam et Fufiam dico, quae in Gracchorum ferocitate, et in audacia Saturnini, et in colluvione Drusi, et in contentione Sulpicii, et in cruore Cinnano, etiam inter Sullana arma vixerunt, solus conculcaris ac pro nihilo putaris; qui consulem morti objeceris, inclusum obsederis, extrahere ex suis tectis conatus sis; qui in eo magistratu non modo emerseris ex mendicitate, sed etiam divitiis nos jam tuis terreas; fuerisne tanta crudelitate, ut delectos viros et principes civitatis tollere et delere tua rogatione conarere?

'ardour,' the violence of temperament not restrained by prudence and experience. We read a good deal about Saturninus in the oration Pro C. Rabirio, Vol. ii. Livius Drusus is the tribune of B.C. 91, who attempted to give the 'civitas' to the Italians, or to the Latins only, as some writers maintain (Weiland, De Bello Marsico, p. 38). The 'colluvio' is the confusion which was caused by the attempt to introduce so many new citizens. Halm remarks that Asconius, in Cornel. p. 68, says that the Leges of Drusus were enacted 'contra auspicia,' and accordingly the consul Philippus induced the senate to declare them null.

P. Sulpicius is the tribune and great orator, a partizan of Marius. See In Cat. iii. 10, note; Phil. viii. 2.

in cruore Cinnano] Halm refers to Becker, Alt. ii. 1, p. 171. Becker refers to Liv. Epit. 79: "L. Cornelius Cinna quum perniciosas leges per vim atque arma ferret;" where the allusion is supposed to be to the recall of the banished C. Marius.

consulem morti] Manutius explains this by referring to the words (c. 9) 'quum M. Bibulum consulem ... non in carcerem sed ad supplicium et ad necem duceretur;' on which passage Halm says: "scilicet orator rem ita describit, quasi Vatinius, quum Bibulum in carcerem duci pararet, id egerit ut per occasionem tumultus consul necaretur;" which is a probable explanation. Here he says against Manutius, that Cicero in the other passage speaks of what Vatinius attempted to do, but did not do, for he did not succeed in carrying Bibulus off to prison.

Accordingly Halm would rather refer for the explanation of this passage to what Appian (B. C. ii. 11), and Dion Cassius (38, c. 6), he says, "have reported as having happened at the same time; that Bibulus, who was opposing Caesar's Lex, was thrown down the steps of Castor's temple, his fasces were broken, and some people were wounded, and the tribunes among them. Bibulus however would not yield, and his friends carried him off unwillingly to the temple of Jupiter Stator."

Halm however has already observed that Cicero tells the story as if Bibulus was carried off to prison, and he adds "that matters did not go so far, but that his friends, as Appian says (ii. 11), carried him off to Stator's temple." But it seems that Appian's story and Cicero's are quite different. Cicero would certainly have us believe that Bibulus got no help, for he asks, 'If any man ever before when he was going to take a consul to prison, constructed a passage in such a way that no one could get at him to help him.' Appian says nothing of Vatinius attempting to imprison Bibulus. Dion Cassius, who does speak of it, places this attempt of Vatinius after the memorable day when Bibulus was kicked down the steps. But Dion's story of Vatinius attempting to take Bibulus to prison only agrees with Cicero, when he says, 'januae presidio ... miserisne viatorem qui M. Bibulum domo vi extraheret.' Manutius' explanation makes Cicero agree with himself; and Halm's puts the whole story in confusion.

non modo] 'modo' om. P. G.; and Hermann thinks that it ought to be omitted; but he is mistaken; and so Halm seems to think in his last edition, for he observes that in the passages quoted by C. F. Hermann in support of his opinion (Nov. Mus. Rhenan. iv. p. 447), either 'sed' only follows 'non modo,' and not 'sed etiam,' or they are a different kind of passage. See Vol. i. remarks on 'non modo.'

X. Quum L. Vettium, qui in senatu confessus esset se cum telo fuisse, mortem Cn. Pompeio summo et clarissimo civi suis manibus offerre voluisse, in contionem produxeris, indicem in rostris, in illo, inquam, augurato templo ac loco collocaris, quo auctoritatis exquirendae caussa ceteri tribuni pl. principes civitatis producere consueverunt, ibi tu indicem Vettium linguam et vocem suam sceleri et menti tuae praebere voluisti—dixeritne L. Vettius in contione tua, rogatus a te, sese auctores et impulsores et socios habuisse sceleris illius eos viros, quibus e civitate sublatis, quod tu eo tempore moliebare, civitas stare non posset? M. Bibulum, cujus inclusione contentus non eras, interficere volueras, [spoliaras] consulatu, patria privare cupiebas: L. Lucullum, cujus tu rebus gestis, quod ipse ad imperatorias laudes a puero videlicet spectaras, vehementius invidebas: C. Curionem, perpetuum hostem improborum omnium, auctorem publici consilii, [in] libertate communi tuenda maxime liberum, cum

10. *Quum L. Vettium*] See Pro Sestio, c. 63, and the note about L. Vettius. Manutius observes that Cicero (Ad Att. ii. 24) charges Caesar with instigating Vettius: "Postero die Caesar . . . Vettium in rostra produxit, quo Bibulo consuli aspirare non liceret. Hic ille omnia quae voluit de re publica dixit ut qui illuc factus institutusque venisset." Here, says Manutius, Cicero 'temporis videlicet caussa,' lays this to the charge of Vatinius. But Cicero lied either one way or the other. It is probable that in his letter to Atticus he told the truth. But our opinion of his veracity must be weakened by such contradictions.

augurato templo] The Rostra, as he tells us.—'auctoritatis exquirendae:' before a Lex was proposed, the tribunus pl., who was going to propose it, brought some of the chief citizens on the Rostra to give their opinion about the Lex, and they were the 'auctores' to the 'populus,' either to accept or reject the Rogatio. Accordingly Cicero said 'auctoritatis exquirendae caussa' (Manutius).

menti] Codd. Gulielmius proposed to write 'dementiae' for 'menti,' which change Garatoni and Madvig approve. Madvig says that Cicero never uses 'mens' simply for 'consilium,' nor, if he had used 'mens' in this sense, would he have added such a gentle word (tam lene) to such a weighty word as 'sceleri.' Halm explains it right: 'sceleri et menti' correspond to 'linguam et vocem.' Vettius was to be the tongue, the spoken word, for the crime and the mind or purpose of Vatinius. What could be clearer?

in contione tua] This is explained by 'in contionem produxeris.'

Madvig points the end of c. 9 and the beginning of c. 10 thus—'terreas: fuerisne tanta crudelitate ut delectos viros . . . rogatione conarere, cum L. Vettium qui' &c. Halm in his first edition keeps the common punctuation. In his second edition he follows Madvig. In his first edition he gives Hermann's reasons for keeping the common punctuation, and says that they require no new arguments to confirm them. In his second edition he follows Madvig's punctuation without saying any thing more. A man may change his mind, and ought to change his mind, when he sees good reason for it; but I doubt if Halm has improved the text by this change in his second edition.

interficere volueras] That is 'quem interficere volueras.' The word 'spoliaras' seems to Halm to be a spurious addition, and perhaps it is. He conjectures that some participle such as 'exutum,' 'dejectum' has dropped out after the word 'consulatu.'—'L. Lucullum:' he who conducted the war against Mithridates, till he was superseded by Cn. Pompeius.

C. Curionem] Whom L. Vettius seems to have named as one of those who planned the assassination of Pompeius (Schol.). Cicero did not always speak in these terms of Curio. Drumann, ii. p. 215, n. 37.

auctorem publici consilii] An adviser, a leading man in the senate ('publicum consilium,' c. 15).—'[in] libertate:' "ed. Junt. et cod. Nuernbergeri. *in* om. P. G." (Halm.) The 'libertas' of Curio, the father, is shown by a saying of his about Caesar, quoted by

filio principe juventutis, cum re publica conjunctiore etiam quam ab illa aetate postulandum fuit, delere voluisti: L. Domitium, cujus dignitas et splendor praestringebat, credo, oculos Vatinii, quem tu propter commune odium in bonos oderas, in posterum autem, propter omnium spem, quae de illo est atque erat, ante aliquanto timebas: L. Lentulum hunc judicem nostrum, flaminem Martialem, quod erat eo tempore Gabinii tui competitor, ejusdem Vettii indicio opprimere voluisti; qui si tum illam labem pestemque vicisset, quod ei tuo scelere non licuit, res publica victa non esset. Hujus etiam filium eodem indicio et crimine ad patris interitum aggregare voluisti. L. Paullum, qui tum quaestor Macedoniam obtinebat,

Abrami: "Curio pater quadam Caesarem oratione omnium mulierum virum et omnium virorum mulierem appellat" (Sueton. Caesar, c. 52). Meyer (Orat. Frag. p. 165, 2nd ed.).

principe juventutis] "This is a mere honourable appellation, for Curio, the son, is not so called, because he was entered first in the Album Equitum by the censors" (Halm); who refers to Garatoni's note on the oration Pro Sulla, c. 12. (See the note Vol. iii.) But Halm observes that Becker (Röm. Alt. ii. 1, p. 288, note 592) is of a different opinion. Becker says, the expression 'Princeps Juventutis' occurs even in the Republican time. It is altogether like the expression 'Princeps Senatus,' and indicates the person first named in reading over the list of the Equites (Cic. Ad Fam. iii. 11. In Vatin. 10). Accordingly also in Ovid, Art. i. 194, in reference to C. Caesar, we read, "Nunc juvenum princeps, deinde future senum." However, it was under Augustus that the name 'Princeps Juventutis,' πρόκριτος or προκριθεὶς τῆς νεότητος, received a higher signification. Caius and Lucius, the emperor's grandsons, were presented by the Equites themselves with a shield and silver lance, and saluted as Principes Juventutis. Monum. Ancyr.: "Equites autem Romani universi Principem Juventutis utrumque eorum parmis et hastis argenteis donatum appellaverunt." See also Tacit. Ann. i. 3; Dion Cassius 55, c. 12; Zonaras x. 35.

L. Domitium] He was praetor in the year after Caesar's consulship, and made a motion in the senate in conjunction with C. Memmius for rescinding Caesar's acta. Drumann, iii. 18.

oculos Vatinii] The name 'Vatinii' makes a difficulty, and Madvig supposes that it has been inserted in the text by some copier who wished to explain the meaning. But as Halm remarks, the words 'quem tu' show that Cicero has been speaking of somebody else in the preceding clause, and we therefore require some name with 'oculos.' He proposes to write 'oculos Vettii.'

in posterum] 'for the future' you feared him; feared what he would do some time later. It was expected that as praetor he would rescind Caesar's measures; and it was now expected that he would do as consul what he had not been able to do as praetor. Domitius when he was a candidate for the consulship (B.C. 55) threatened that he would do this, and would take Caesar's troops from him. Caesar got Pompeius and Crassus to meet him at Luca, which was within his province of Gallia Cisalpina, and induced them to be candidates for the consulship a second time in order to frustrate L. Domitius (Sueton. Caesar, c. 24; Cicero, Ad Atticum iv. 8) (Goveanus). Crassus and Pompeius were elected. See Plutarch, Pompeius, c. 51, who tells the story of Pompeius' election; and his Life of Caesar, c. 21.

Gabinii tui] Gabinius and Piso were the consuls of B.C. 58, and succeeded Caesar and Bibulus (B.C. 59). Cicero says if Lentulus had been elected consul in place of Gabinius, the state would not have suffered from the turbulent tribunate of P. Clodius, which was in the year of Gabinius' consulship, and effected Cicero's expulsion from Rome.

The crime of Vatinius, by which he prevented Lentulus from being elected, seems to be his subornation of Vettius to accuse Lentulus of being one of the conspirators against Pompeius, and this charge was the cause of Lentulus losing his election. Drumann, ii. 552; iii. 45.

filium] His name also was L. Lentulus (Cic. Ad Q. Fr. iii. 1): "L. Lentulus, flaminis filius." Vettius named Lentulus, the son, also as an accomplice in the conspiracy.

L. Paullum] He held the province of

quem civem! quem virum! qui duo nefarios patriae proditores, domesticos hostes, legibus exterminarat, hominem ad conservandam rem publicam natum, in idem Vettii indicium atque in eundem hunc numerum congregasti. Quid ego de me querar? qui etiam gratias tibi agere debeo, quod me ex fortissimorum civium numero sejungendum non putaris. XI. Sed qui fuit tuus ille tantus furor, ut, quum jam Vettius ad arbitrium tuum perorasset et civitatis lumina notasset descendissetque de rostris, eum repente revocares, colloquerere, populo Romano vidente, deinde interrogares, ecquosnam alios posset nominare? inculcarisne ut C. Pisonem generum meum nominaret, qui in summa copia optimorum adolescentium pari continentia, virtute, pietate reliquit neminem? itemque M. Laterensem, hominem dies atque noctes de laude et de re publica cogitantem? promulgarisne, impurissime et perditissime hostis, quaestionem de tot amplissimis et talibus viris, indicium Vettio,

Macedonia as quaestor, it being the practice for proconsuls or propraetors to leave the quaestor with authority (cum imperio) to look after the province, if their successor did not arrive when they left; as Cicero did in Cilicia, Ad Att. vi. 6 (Hotmann). Paullus was in Macedonia when he was charged with being privy to the design upon Pompeius, and this fact rendered the story of Vettius less probable (Ad Att. ii. 24).

duo .. proditores] This Paullus had commenced a prosecution of Catilina, as Sallust (Catil. c. 31) says: "et ipse lege Plautia interrogatus ab L. Paullo;" in Cicero's consulship. Shortly after Catilina left Rome and took up arms. Accordingly Cicero says 'legibus exterminarat.' The Scholiast says that C. Cethegus was the other. But Goveanus suspects that it was Autronius who did leave Rome (Pro Sulla, Vol. iii.).

de me querar] Cicero was not named by Vettius, but he was pointed at. Cicero (Ad Att. ii. 24) says: "me non nominavit, sed dixit consularem disertum, vicinum consulis, sibi dixisse, Ahalam Servilium aliquem aut Brutum opus esse reperiri." See Pro Sestio, c. 63, and the note.

11. *revocares*] Cicero, Ad Att. ii. 24: "Addidit ad extremum, quum jam dimissa contione revocatus a Vatinio fuisset, se audisse a Curione his de rebus conscium esse Pisonem generum meum et M. Laterensem." See Pro Sestio, c. 24, on Piso. The young man showed his 'pietas,' his filial duty to Cicero in his exile.—'qui in summa copia optimorum:' 'who, though there was abundance of excellent young men,' &c. So Caesar (B. G. i. 30) writes "locum domicilio ex magna copia deligerent," out of all Gallia, which offered abundance of choice. —'neminem reliquit:' 'he left no one behind him.' He was dead; and it seems that he died during Cicero's exile.

Laterensem] Laterensis refused to be a candidate for the tribunate, that he might not have to take the oath required by Caesar's Lex Agraria for the division of the lands in Campania (Ad Att. ii. 18): "Habet etiam Campana lex exsecrationem in contione (aliter, coitione) candidatorum, si mentionem fecerint, quo aliter ager possideatur atque ut ex legibus Juliis. Non dubitant jurare ceteri. Laterensis existimatur laute fecisse, quod tribunatum pl. petere destitit, ne juraret."

indicium Vettio] Vatinius promulgated, made public, a Lex to the effect that a Quaestio should be held, that is, an extraordinary commission should be named, for trying those whom Vettius denounced (see the end of c. 9), a Quaesitor and a Consilium of Judices. He also proposed that Vettius should be admitted to give evidence (Vettio indicium esset) on the trial, and have the impunity and other advantages of being so admitted; as Madvig well explains it. And he proposed a reward (praemia) too. In the Divin. c. 11 (Vol. i. and the note) there is the expression 'indicium dari;' and in the oration Pro Roscio Amerino, c. 37 (Vol. ii.), "qui indicii partem acceperit," the meaning of which is plainly, 'receiving his part or share for giving the information.' Cicero (Ad Att. ii. 24) speaks of this whole affair of the conspiracy being ridiculed in the Senate; and it may have been treated

praemia amplissima? quibus rebus omnium mortalium non voluntate sed convicio repudiatis, fregerisne in carcere cervices ipsi illi Vettio, ne quod indicium corrupti indicii exstaret ejusque sceleris in te ipsum quaestio flagitaretur?

Et quoniam crebro usurpas legem te de alternis consiliis rejiciendis tulisse, ut omnes intelligant te ne recte quidem facere sine scelere potuisse, quaero, quum lex esset aequa promulgata initio

the same way by the Populus, as Abrami suggests.

cervices] So this word is used In Verr. ii. 5, c. 57: "cervices in carcere frangebantur." Vettius was found dead in prison, but nobody knew how it happened. (Appian, B. C. ii. 12.) Suetonius (Caesar, c. 20) says that it was believed that Caesar had Vettius poisoned in prison. Even reports, when they really have been reports, are historical facts; and if Suetonius tells the truth, it is an historical fact that Caesar was supposed to have poisoned the miserable fellow. But Suetonius' 'creditur' may be his own invention. Caesar being consul might have the power to do this crime. Appian says that Caesar charged those with the crime whom Vettius had denounced. Dion Cassius (38, c. 9) charges Cicero and L. Lucullus with the conspiracy against Pompeius' life; but Dion, as Casaubon says, charges any illustrious man with any crime. He is a vile calumniator and corrupter of history. He may however have told the truth here. Either Vettius killed himself, and that is not said, or he was murdered. If he was murdered, we have to fix the murder on one side or the other, on Caesar and his friend Vatinius, or on those whom Vettius denounced. A guess is not worth much in such a case, but if I were to make one, I would fix the murder on Caesar or his tool Vatinius. Drumann (ii. 236) disposes of the matter in a strange way: "Cicero accused Vatinius of having murdered Vettius; if the assassins were hired by him, it was done at Caesar's command, whose object was to prevent the accused from telling the truth through fear." If the assassins were not hired by Vatinius; what then? He who could command access to the prison, and he whose business it was to investigate the murder must be suspected. Caesar or the tribune, we must suppose, could command access to the prison; and Caesar could have investigated the matter. All were glad when the wretch was disposed of; and all were guilty in some way.

indicium . . . indicii] Halm compares Pro Sulla, c. 15: "ut ante quam me commutati indicii coargueris, te summae negligentiae tuo indicio convictum esse fateare." But in his later edition of the oration Pro Sulla, he writes 'tuo iudicio,' and perhaps correctly.

crebro usurpas] 'You often say,' 'often boast.'—'de alternis consiliis:' the 'consilia' are all the 'judices' who were chosen by the praetor for any one trial. By the Lex Vatinia the accused (reus) in a trial for Repetundae could reject or challenge all the 'judices' once, and the prosecutor (accusator) could do the same; the previous practice having been that each party, prosecutor and defendant, could only challenge a certain number of the 'consilium,' and the places of those who were challenged were supplied by the praetor's 'subsortitio' (see Index, Subsortiri, Vol. i.). This is Ernesti's explanation. C. T. Zumpt (Commentatt. de Legibus judiciisque repetundarum in re publ. Rom. Berol. 1845, quoted by Halm) says that this Lex Vatinia, enacted B.C. 59, is called 'aequa' by Cicero, that is favourable to the accused, whence we may conclude that it continued in force afterwards. It appears from c. 11 that this Lex applied to the case of Repetundae, but it applied also, as Zumpt conjectures, to other cases, or was general. He rejects Ernesti's explanation of the 'alterna consilia.' That, he says, is 'alicujus consilium,' which remains after those have been challenged whom the accusator or reus supposed to be unfavourable to him; as in the case of Milo's trial, when each party could reject five out of each of the three classes of judices, senatores, equites, and tribuni aerarii; and this was called Milo's 'consilium' after he had challenged fifteen; and also it was called the prosecutor's 'consilium' after he had exercised his power of challenging fifteen others. Accordingly (igitur) the Lex Vatinia allowed either party to challenge the 'consilia' once, and on this being done a new 'consilium' was appointed; but it was not allowed, as Ernesti supposed, for the whole 'consilium' to be challenged twice, first by the accused and then by the prosecutor.

magistratus, multas jam alias tulisses, exspectarisne dum C. Antonius reus fieret apud Cn. Lentulum Clodianum? et posteaquam ille est reus factus, statim tuleris in eum "qui tuam post legem reus factus esset," ut homo consularis exclusus miser puncto temporis spoliaretur beneficio et aequitate legis tuae? Dices familiaritatem tibi fuisse cum Q. Maximo. Praeclara defensio facinoris tui. Nam Maximi quidem summa laus est, sumptis inimicitiis, suscepta caussa, quaesitore consilioque delecto, commodiorem inimico suo conditionem rejectionis dare noluisse. Nihil Maximus fecit alienum aut sua virtute aut illis viris clarissimis, Paullis, Maximis, Africanis, quorum gloriam hujus virtute renovatam non modo speramus, verum etiam jam videmus. Tua fraus, tuum maleficium, tuum scelus illud est, te id, quod promulgasses misericordiae nomine, ad crudelitatis tempus distulisse. Ac nunc quidem C. Antonius hac una re miseriam suam consolatur, quod imagines patris et fratris sui,

dum C. Antonius] Though Cicero admits that the Lex Vatinia was good, Vatinius could not do what was good without also doing what was bad, for by the terms of his Lex 'qui tuam' &c., he deprived C. Antonius of the advantage of it: he waited till the prosecution of C. Antonius had been commenced by Q. Fabius Maximus and M. Caelius Rufus, before he promulgated his Lex. The critics have not agreed what offence C. Antonius was tried for, but it seems that he was tried for Repetundae, having been guilty of it in his government of Macedonia. Dion Cassius (38, c. 10) says that he was not tried for malversation in his province, but for his share in the conspiracy of Catilina, and yet he was convicted on account of his malversation in his province; a most absurd statement. Drumann affirms that he was tried and convicted on two charges; and he infers this from a passage in the Pro Caelio (c. 7). Zumpt refers to the Schol. on the Pro Flacco, p. 229, Or., where it is said that he was prosecuted by Caelius and convicted, not only of Repetundae, but also on account of the affair of Catilina. The affair of Catilina then helped to his condemnation, but he was not tried for it; and so Dion's story is untrue. Zumpt remarks that he could not have been convicted of a share in the conspiracy of Catilina, because after Antonius' conviction the sepulchre of Catilina was adorned with flowers, as if his Manes had got satisfaction by Antonius' condemnation (Pro Flacco, 38, and the note).

in eum "qui &c.] You made your Lex apply 'to any person who' &c.; for this is the meaning of 'in' in this passage.

familiaritatem] As if his intimacy with Q. Fabius Maximus, one of C. Antonius' prosecutors, was his reason for depriving Antonius of the benefit of the Lex Vatinia; as if he wished to oblige Maximus in this matter.—'commodiorem' &c.: that is, he did not choose to wait for the enactment of the Lex which had been promulgated, for if he had done so, he would have given his enemy the advantage of the 'rejectio' or challenge. This Maximus was consul B.C. 45 with C. Trebonius. L. Aemilius Paullus, the conqueror of king Perses of Macedonia, gave his son to be adopted by Q. Fabius Maximus, and this son was the father of C. Antonius' prosecutor. The younger Africanus was also a son of L. Aemilius Paullus, and was adopted by a son of the elder Africanus (Manutius); who says that this Paullus was adopted by a son of Africanus Minor, which is a slight mistake, but Halm reprints Manutius' note without correcting it. Africanus Major married Aemilia, who was a daughter of L. Aemilius Paullus who fell at Cannae, and the sister of Paullus the conqueror of Macedonia.

Halm in his edition of 1856 reads 'delecto reo commodum rejectionis dare noluisse.'

patris] C. Antonius' father was M. Antonius, the Orator; and his brother was M. Antonius Creticus, the father of M. Antonius, the Triumvir. Creticus had given his daughter in marriage to Vatinius, as the Scholiast says. This is what Cicero means by 'collocatam.' But the expression 'in

fratrisque filiam, non in familia, sed in carcere collocatam audire maluit quam videre.

XII. Et quoniam pecunias aliorum despicis, de tuis divitiis intolerantissime gloriaris, volo uti mihi respondeas, fecerisne foedera tribunus plebis cum civitatibus, cum regibus, cum tetrarchis; erogarisne pecunias ex aerario tuis legibus? eripuerisne partes illo tempore carissimas partim a Caesare, partim a publicanis? Quae quum ita sint, quaero ex te sisne ex pauperrimo dives factus illo ipso anno, quo lex lata est de pecuniis repetundis acerrima; ut omnes intelligere possent, a te non modo nostra acta, quos tyrannos

carcere' is not quite plain. It is opposed to 'in familia.' Some critics have supposed that Cicero calls Vatinius 'carcer;' but this explanation will not explain the opposition of 'familia' and 'carcer,' and Halm conjectures that the 'carcer' is a contemptuous name for Vatinius' house, as Manutius had said: "Carcerem appellat Vatinii domum in quam Antoniorum imagines, ducta Antonia, Vatinius transtulit, ademptas fortasse C. Antonio post damnationem." Becker (Röm. Alt. ii. 1, p. 231, n. 472) infers from this passage that 'Affines' were reckoned in a Familia, since in consequence of a marriage the majores of the woman were added to those of the man, and their Imagines also set up. But what Cicero says is hardly sufficient in itself to justify this conclusion.

12. *foedera*] Goveanus observes that the Populus Romanus made 'foedera,' or confirmed 'foedera' made by an 'imperator' or the Senate; and that a Tribunus did not make 'foedera.' But Cicero means bargains, and bargains made through the instrumentality of Vatinius in Caesar's consulship. The result of these bargains was certain 'rogationes.' Suetonius (c. 54) says of Caesar in his consulship: "In primo consulatu tria millia pondo auri furatus e Capitolio tantundem inaurati aeris reposuit. Societates ac regna pretio dedit, ut qui uni Ptolemaeo prope sex millia talentorum suo Pompeiique nomine abstulerit." Cicero charges Vatinius with doing what Suetonius says that Caesar did. Vatinius was Caesar's tool; and Cicero dishonestly imputes some of Caesar's acts to the man whom Caesar employed. The theft of the Capitoline gold was a most scandalous affair, but we may without difficulty disbelieve the story. Such an act would have been soon detected.

cum regibus] See Cicero's letter to Lentulus (Ad Div. i. 9), and Ad Atticum (ii. 9). Among these kings was Ptolemaeus Auletes, king of Egypt (Ad Attic. ii. 16; Pro Sestio, c. 26); and Ariovistus, king of the German tribes, who had got possession of part of the country of the Sequani in Gallia. Caesar (B. G. i. 35) says that Ariovistus received from the Roman Senate the title of 'Rex' and 'Amicus' in his consulship (B.C. 59), and Dion Cassius (38, c. 34) says the same, following either Caesar or some other authority. It is not probable that Caesar got any money out of the German king for the name that he gave him. More probably Caesar gave the German something to keep him quiet, till he had time to come and drive him back over the Rhine; which he did the next year.

partes . . . carissimas] This is obscure; and if it is the genuine text, we must be content not to understand it. The only attempt at explanation worth notice is Orelli's, but we want historical evidence to support it. Halm concludes that Orelli is at least so far right in interpreting 'partes' to be 'partes publicorum,' 'partes' of the 'vectigalia,' which the Publicani farmed; and he refers to Pro Rabirio Post. c. 2; and to Valerius Maximus vi. 9. 7. Orelli takes 'partes' to be shares (the French, 'actions;' the Italian, 'azioni'), and these shares would be higher at some times than at others. The general meaning of Cicero's charge is that Vatinius cheated Caesar and the Publicani; and that is all that we can conclude.

de pecuniis rep.] Caesar's Lex de Repetundis, the terms of which were very strict. It appears from a passage in Cicero (Ad Div. viii. 8) in a letter from M. Caelius to Cicero that it contained at least 101 chapters (legisque unum et centesimum caput legit). See Rein, Das Criminalrecht der Römer, p. 625, on this Lex Julia.

The 'nostra acta' are not the Lex de Ambitu passed in Cicero's consulate, but his measures against Catilina and his crew, as Hermann suggests; and the words 'quos tyrannos vocas' make this a probable explanation.

vocas, sed etiam amicissimi tui legem esse contemptam, apud quem tú etiam nos criminari soles, qui illi sumus amicissimi, quum tu ei contumeliosissime toties maledicas, quoties te illi affinem esse dicis.

Atque etiam illud scire, ex te cupio, quo consilio aut qua mente feceris, ut in epulo Q. Arrii familiaris mei cum toga pulla accumberes? quem umquam videris, quem audieris, quo exemplo, quo more feceris? Dices supplicationes te illas non probasse. Optime. Nullae fuerint supplicationes. Videsne me nihil de anni illius caussa, nihil de eo, quod tibi cum summis viris commune esse videatur, sed de tuis propriis sceleribus ex te quaerere? Nulla supplicatio fuerit. Cedo, quis umquam caenarit atratus? Ita enim illud epulum est funebre, ut munus sit funeris, epulae quidem ipsae dignitatis. XIII. Sed omitto epulum populi Romani, festum diem, argento, veste, omni apparatu ornatuque visendo: quis umquam in luctu domestico, quis in funere familiari caenavit cum toga pulla? Cui de balineis exeunti praeter te toga pulla umquam data est?

amicissimi tui] Caesar. He may be speaking ironically, or he may intend to show the inconsistency of Vatinius, who disregards the Lex of the man whom he calls his dearest friend. Vatinius, it is said, married Antonia, a daughter of M. Antonius Creticus. This Antonius had to wife Julia, the daughter of L. Julius Caesar, consul B.C. 90; and so Vatinius became an affinis, as the Romans understood the term, of C. Caesar (consul B.C. 59), who was of the same family as the mother of Vatinius' wife.

Q. Arrii] Arrius gave a great feast to the people on the occasion of his father's death, and in Castor's temple (c. 13). The magnificence of this entertainment became proverbial, and hence the allusion in Horace (Sat. ii. 3. v. 85, and 243, and Macleane's note):

"Ni sic fecissent, gladiatorum dare centum
Damnati populo paria atque epulum arbitrio Arri."

—'supplicationes:' Vatinius might be supposed to say that he kept his dark dress (toga pulla), because he would show that he did not approve of the 'supplicationes' which C. Pomptinus had asked for on account of his victories in Gallia Narbonensis in B.C. 62 (De Prov. Cons. c. 13). Caesar and his friends opposed the demand of C. Pomptinus, for Caesar wished to have all the glory of conquering Gallia himself.

epulum...epulae] Halm remarks that the 'epulum' here is the whole funeral celebration, the gladiatorial games and the dinner, while the 'epulae' is the dinner only. The 'munus' is the show of gladiators. Cicero says: "The 'epulum' is so far funereal, that the show of gladiators is a part of the funeral, but the feast itself is for the honour of him who gives it." Accordingly a man might be present at the show of gladiators in a dark dress, but he ought to have a light dress at the feast (Abrami).

13. *festum diem*] On 'dies festi' a man ought to appear 'albatus,' in a bright-coloured dress, as Horace says (Sat. ii. 2. 60, quoted by Abrami):

"Ille repotia natales aliosque dierum
Festos albatus celebret,"—

and Macleane's note.—'ornatuque visendo:' that is, decoration worth looking at.

balineis] P. G. The common form is 'balneis.' The dinner-dress was given to a man when he left the bath to go to dinner. After a funeral the bath was a form of purification (Abrami). The 'epuli dominus' is Arrius. The giver of the entertainment is often simply called 'dominus,' Hor. (Sat. ii. 8. v. 92):

"Suaves res, si non caussas narraret earum et
Naturas dominus (Nasidienus)."

The guests were reckoned by thousands. Such a feast was one of the Roman fashions of treating with the view of getting popularity, and afterwards getting office. The senators, says Ernesti, would feast in Castor's

Quum tot hominum millia accumberent, quum ipse epuli dominus Q. Arrius albatus esset, tu in templum Castoris te cum C. Fibulo atrato ceterisque tuis furiis funestum intulisti. Quis tum non ingemuit, quis non doluit rei publicae casum? Qui sermo alius in illo epulo fuit nisi hanc tantam et tam gravem civitatem subjectam esse non modo furori, verum etiam irrisioni tuae? Hunc tu morem ignorabas, numquam epulum videras, numquam puer aut adolescens inter coquos fueras? Fausti, adolescentis nobilissimi, paullo ante ex epulo magnificentissimo famem illam veterem tuam non expleras? Quem accumbere atratum videras, dominum cum toga pulla et ejus amicos ante convivium? quae te tanta tenuit amentia, ut nisi id fecisses quod fas non fuit, nisi violasses templum Castoris, nomen epuli, oculos civium, morem veterem, ejus qui te invitarat auctoritatem, parum putares testificatum esse supplicationes te illas non putare?

XIV. Quaero etiam illud ex te quod privatus admisisti—in quo

temple: they turned temples for the occasion into eating-houses: the equites in the nearest Forum; and the common sort had their tables set out in the streets. It must have been a merry-making for all who were invited; and those who were not invited, and we must assume that all were not asked, how would they look on?

Vatinius came 'funestus,' in his mourning, in black, like an ill-bred fellow, who accepts an invitation and makes himself disagreeable.

coquos] or 'cocos.' It is not certain what Cicero means by asking 'if he had not perhaps been among the cooks?' Some suppose that Cicero alludes to the meanness of Vatinius' origin, as if he had been brought up in the kitchen. Halm says the 'coqui' are the 'coqui funebres,' who cooked for the people on funeral occasions; but I don't see that this explains the matter.

Fausti] Faustus Sulla had given a great feast the year before, B.C. 60, in honour of his illustrious father, the blood-stained dictator (Pro Sulla, c. 19, note).

expleras] The reading is not certain. There is 'expiaras,' 'expiares,' and 'expuleras,' says Halm (ed. 1845). As to the sense, it may not matter much whether we take 'expiaras' or 'expleras.' There seems little point in Cicero asking 'if Vatinius had not satisfied his ravenous appetite at Sulla's feast.' Perhaps he means, he had stuffed himself so well there that he might have stayed away from this, if he could not come in a proper dress like other people.

dominum .. ante convivium] Madvig would erase these words, but that is a desperate remedy. Why should not the friends be mentioned as well as the 'dominus?' It is true that 'atratum' and 'dominum' go together; but Cicero adds 'et ejus amicos,' that is 'atratos.' 'Ante convivium' is explained by Manutius to mean 'ante oculos epulantis populi Romani;' for 'convivium' can mean this. Halm suggests that the dominus and his friends had their table so placed that it could be seen by the other guests; by some of them, for if they were in a temple they could not be seen by all. However, the doors would no doubt be open, and so they might be considered to be eating in public.

quae te tanta] 'Quae tanta te,' Baiter, followed by Halm, which is no improvement. 'Te' om. P. G.—'nomen epuli:' an 'epulum' signified joy. If then Vatinius came in a mourning dress, he spoiled the name of the thing. This is the explanation of Goveanus, and the true explanation, as Halm says.

14. *privatus admisisti*] 'What you did after you went out of office,' after you ceased to be a tribune. During his tribunate (B.C. 59) Vatinius might allege that he acted with the 'vir clarissimus,' with Caesar. But in B.C. 58 Vatinius was out of office, and the 'vir clarissimus' was in Gallia.—'Licinia et Junia:' see Pro Sestio, c. 14, note. The Scholiast, under the lemma 'Postulatusne sis lege Licinia,' says "Crimine de sodaliciis Vatinius coeperat accusari,

certe jam tibi dicere non licebit cum clarissimi viri caussa tuam esse conjunctam—postulatusne sis lege Licinia et Junia? edixeritne C. Memmius praetor ex ea lege ut adesses die tricesimo? quum is dies venisset, fecerisne, quod in hac re publica non modo factum antea numquam, sed in omni memoria est omnino inauditum, appellarisne tribunos pl. ne causam diceres? levius dixi, quamquam id ipsum esset et novum et non ferendum: sed appellarisne nominatim pestem illius anni, furiam patriae, tempestatem rei publicae, Clodium? qui tamen quum jure, quum more, quum potestate judicium impedire non posset, rediit ad illam vim et furorem suum, ducemque se militibus tuis praebuit. In quo, ne quid a me dictum in te potius putes quam abs te esse quaesitum, nullum onus imponam mihi testimonii: quae mihi brevi tempore ex eodem isto loco video esse dicenda, servabo, teque non arguam, sed ut in ceteris rebus feci rogabo. Quaero ex te, Vatini, num quis in hac civitate post urbem conditam tribunos pl. appellarit, ne caussam diceret? num quis reus in tribunal sui quaesitoris escenderit eumque vi deturbarit,

de quo puniendo iis legibus cavebatur." But he has confounded this Lex with the Licinia de Sodalitiis, as Mommsen has shown (see the Introduction).

C. Memmius Gemellus was an enemy of Caesar, and afterwards being condemned De Ambitu he went to Athens. Three of Cicero's letters to him are extant (Ad Fam. xiii. 1, 2, 3). Lucretius dedicated his poem to this master of Greek literature, who cared little for the literature of his own nation (Cicero, Brutus, c. 70). Memmius gave Vatinius notice of trial (ut adesset).

numquam, sed] 'nunquam est, sed' P. G. The critics do not agree if we should have 'memoria sit' or 'memoria est.' There is no reason why Cicero could not make the direct negation, and that requires 'est.' If 'sit' is right, it means 'such a thing as was never heard of:' but it seems better to suppose that he would say, 'a thing never before heard of.'

appellarisne tribunos pl.] The collegium of tribuni was sometimes appealed to, as we see in the Pro Quintio, c. 7; and Pro M. Tullio, § 38. We cannot infer that Vatinius had no right to appeal to the tribuni pl.: for how could he attempt to do it, if it was altogether illegal? Cicero, it is true, says that it had never been done; in such a case as this, we must suppose.

levius dixi] Halm compares Pro Sestio, c. 69, "ut levissime dicam." Here he says, 'levius dixi,' 'I have not expressed it strongly enough.'—'abs te esse quaesitum:' he only asks, he does not assert, for assertion would be nothing without evidence. He questions him as a patronus. He threatens Vatinius with a future trial (see c. 4), when he would give evidence against him. But Cicero did not give evidence against him. He even undertook Vatinius' defence (B.C. 54) (Drumann, Geschichte Roms, vi. 34), when he was prosecuted under the Lex De Sodalitiis. Cicero was compelled by circumstances to defend the man whom he had so foully abused.

sui quaesitoris] This is the 'Judex quaestionis' who presided at the trial. The Scholiast has a story that when the praetor C. Memmius was appointing the *quaesitor* (sortito) to try Vatinius De vi, and Vatinius and the prosecutor were claiming severally their right to challenge the *quaesitores*, some men, at the instigation of Vatinius, got up on the tribunal, and seized the urns in which the 'sortes' were. The Scholiast's remark about the 'quaesitor' and 'quaesitores' is difficult to explain; for it appears from Cicero that the praetor C. Memmius acted as the 'quaesitor' or 'judex quaestionis,' and therefore no other 'quaesitor' would be wanted. We cannot explain this by supposing that the Scholiast meant 'judices,' when he says 'quaesitores,' for he tells us in the next Scholium, on 'Judices quaestionum' that 'quaesitores' and 'judices quaestionum' are the same (eosdem, i. e. judices quaestionum, et quaesitores nominabant, praepositos scilicet et ipsis

subsellia dissiparit, urnas dejecerit, eas denique omnes res in judicio disturbando commiserit, quarum rerum caussa judicia sunt constituta? sciasne tum fugisse Memmium? accusatores esse tuos de tuis tuorumque manibus ereptos? judices quaestionum de proximis tribunalibus esse depulsos? in foro, luce, inspectante populo Romano, quaestionem, magistratus, morem majorum, leges, judices, reum, poenam esse sublatam? haec omnia sciasne diligentia C. Memmii publicis tabulis esse notata atque testata? Atque illud etiam quaero, quum, posteaquam es postulatus, ex legatione redieris, ne quis te judicia defugere arbitraretur, teque, quum tibi utrum velles liceret, dictitaris caussam dicere maluisse, qui consentaneum fuerit, quum legationis perfugio uti noluisses, appellatione improbissima te ad auxilium nefarium confugisse?

XV. Et quoniam legationis tuae facta mentio est, volo audire

judicibus, quorum et certus numerus de caussa pronuntiare debebat). But it is argued by Osenbrueggen that though the praetor was 'quaestionis praeses perpetuus,' it was the practice to choose a 'judex quaestionis' for the several trials. The praetor's office was to prepare matters for trial, and when all was ready to appoint both the Judices and the 'judex quaestionis.' If this is not the true explanation, the Scholiast has in this note confounded the appointment and challenge of the Quaesitores with the appointment and challenge of the Judices. And the Scholiast has certainly made one mistake, for he says that this disturbance took place when Vatinius was prosecuted De vi by C. Licinius; but Mommsen observes that the Scholiast has confounded the later prosecution of C. Licinius (B.C. 54) with the prosecution under the Lex Licinia et Junia, which Vatinius had undergone in B.C. 58.

On the word 'urnas' Manutius says "quibus tabellae judicum servabantur." But Wunder, Proleg. ad Var. Lectiones, Cic. ex Cod. Erfurt. p. 161, 165, maintains that these 'urnae' were set there for the purpose of determining the Judices, and that there were as many 'urnae' as there were 'Judicum ordines,' out of which 'urnae' were drawn by lot the names of those who were to serve as Judices. This is the meaning here certainly. Halm however observes that Wunder, who affirms that an 'urna' or 'sitella' was not used for collecting the tabulae of the Judices, has been confuted in this point by Car. Beier in Iahn. Ann. (1827), Vol. 4. p. 30, &c.

judices quaestionum] It appears that various trials were going on at the same time; and we are told that in this confusion the presiding judges of the other courts also were kicked out of their seats (tribunalia); a state of disorder which seems to us in modern times almost incomprehensible, at least such things could happen in no modern European state.

ex legatione] It is said that he went as legatus to Caesar into Gallia; and there having notice of a prosecution under the Lex Licinia et Junia, he returned to Rome, that it might not be said that he used his privilege of a legatus to protect himself against a prosecution; for by a Lex Memmia, a man could not be prosecuted while he was absent on public business. Manutius refers to the story about the orator M. Antonius (Valerius Maximus iii. 7, 9), who, when he was on his road to Asia as Quaestor, being informed by letter that he was charged with 'incestum' at Rome, returned to the city to meet the charge, 'quum id vitare beneficio legis Memmiae liceret;' and Halm refers to Cicero, Ad Att. iv. 15.—'auxilium:' by appealing to the collegium of tribunes.

15. *legationis tuae*] One legatio of Vatinius is mentioned c. 5. The other legatio was after his tribunate, and Cicero is here speaking of the second legatio. As to the legati being appointed by the Senate, see Pro P. Sestio, c. 14.—'tua lege:' the Lex of Vatinius De Imp. C. Caesaris, by which Caesar got the province of Gallia Cisalpina and Illyricum, to which the Senate added Gallia Comata, through fear, says Suetonius, that if they did not give it, the people would (Sueton. Caesar, c. 22). It seems that Caesar repaid Vatinius by making

de te quo tandem senatusconsulto legatus sis? De gestu intelligo quid respondeas: tua lege dicis. Esne igitur patriae certissimus parricida? spectarasne id, ut patres conscripti ex re publica funditus tollerentur? Ne hoc quidem senatui relinquebas, quod nemo umquam ademit, ut legati ex ejus ordinis auctoritate legarentur? Adeone tibi sordidum consilium publicum visum est, adeo afflictus senatus, adeo misera et prostrata res publica, ut non nuntios pacis ac belli, non oratores, non interpretes, non bellici consilii auctores, non ministros muneris provincialis senatus more majorum deligere possit? Eripueras senatui provinciae decernendae potestatem, imperatoris deligendi judicium, aerarii dispensationem; quae numquam sibi populus Romanus appetivit, qui numquam aut summi consilii gubernationem auferre conatus est. Age, factum est horum

him a legatus; but Cicero says every thing obscurely that relates to Caesar. Halm observes that it is strange that Cicero did not lay this also to the charge of Vatinius, that immediately after his tribunate he held a legatio in an army under an imperator who was appointed by his own Lex. See De Imp. Cn. Pompeii, c. 19, note. Vol. ii.—'esne igitur:' 'are you not then?' This is often the meaning of this form of expression. Comp. 'Videsne me,' c. 12.

ut legati . . . legarentur] The Schol. has this note: "Nullo jure Vatinium dicit in legationem esse profectum, quum soleat hoc a senatu peti, ut praesides provinciarum possint quos velint amicos suos habere legatos. Hunc igitur summa impudentia non auctoritatem senatus expectasse, sed quodam jure privato tantam licentiam sibi depoposcisse." Drumann (v. p. 688, n. 64) observes, 'not Vatinius, who as the weaker person again furnishes the name, but Caesar had assumed the nomination.'

P. Vatinius is mentioned as one of Caesar's legati in the eighth book of the Gallic War (c. 46), and no where else. He is first mentioned therefore in the Gallic War in B.C. 51.

non nuntios] In this rhetorical passage the various functions of 'legati' are mentioned. The reading 'oratores' is Gulielmius' excellent emendation confirmed by the lemma of the Scholiast. The common reading is 'curatores,' which word is not used alone except to signify the 'curatores' of 'furiosi' and of those who are 'minores' (Madvig, quoted by Halm).

bellici consilii] The 'legati' are represented as advisers to the 'imperator' in war, as well as in the ordinary administration of a province; and it has been observed that Polybius and other writers sometimes call them πρεσβευτάς and sometimes πρεσβευτὰς καὶ συμβούλους.—'deligere possit:' this is the MSS. reading. But the editions and Halm have 'deligere posset.'—'eripueras senatui:' by his Lex de Imperio Caesaris, for the appointment to the consular provinces belonged to the Senate according to the Lex Sempronia (B.C. 123; Cic. Verr. ii. 3, c. 95, Vol. i.). The 'dispensatio aerarii' seems to be, as Halm says, the money given to Caesar when he received his proconsular government. This was probably a considerable sum, for without great means he could not have maintained the four legions which were given him and the two new legions which he raised (B. G. i. 10) in order to conduct his campaign against the Helvetii. Besides these legions he had numerous auxiliaries.

quae numquam sibi . . . conatus est] Halm (ed. 1856) writes 'quae numquam populus ab summi consilii gubernatione auferre conatus est.' In his earlier edition he retains the words 'quae numquam sibi populus Romanus appetivit;' and he observes that Sallust (Jug. c. 37) says that the Populus appointed Marius to the command in the war against Jugurtha, though the Senate had already given the command to Metellus; and Cicero says afterwards that this had been done before. It was done by the Lex Gabinia, which gave Cn. Pompeius the command against the pirates, and by the Lex Manilia (De Imp. Cn. Pompeii), which gave him the command against Mithridates. The reading in the text is corrupt, as the word 'aut' shows.

Age, factum est] This is a concession: 'Well, granted that something of this kind was done in other cases.' The subjunctive

aliquid in aliis; raro, sed tamen factum est ut populus deligeret imperatorem. Quis legatos umquam audivit sine senatusconsulto? Ante te nemo: post continuo fecit idem in duobus prodigiis rei publicae Clodius: quo etiam majore es malo mactandus, quod non solum facto tuo, sed etiam exemplo rem publicam vulnerasti, neque tantum ipse es improbus, sed etiam alios docere voluisti.

Ob hasce omnes res sciasne te severissimorum hominum Sabinorum, fortissimorum virorum Marsorum et Pelignorum, tribulium tuorum judicio notatum, nec post Romam conditam praeter te tribulem quemquam tribum Sergiam perdidisse?

Atque illud etiam audire de te cupio, quare, quum ego legem de ambitu tulerim, ex senatusconsulto, tulerim sine vi, tulerim salvis auspiciis, tulerim salva lege Aelia et Fufia, tu eam esse legem non putes? praesertim quum ego legibus tuis, quoquo modo latae sunt, paream. Quum mea lex dilucide vetet, "biennio quo quis petat petiturusve sit gladiatores dare, nisi ex testamento praestituta die," quae tanta in te sit amentia ut in ipsa petitione gladiatores audeas dare? num quem putes illius tui certissimi gladiatoris similem tribunum pl. posse reperiri, qui se interponat quo minus reus mea lege fias? XVI. Ac si haec omnia contemnis ac despicis, quod ita tibi persuaseris, ut palam dictitas, te dis hominibusque invitis amore in te incredibili quodam C. Caesaris omnia quae velis consecuturum, ecquid audieris, ecquisnam tibi dixerit, C. Caesarem nuper Aquileiae, quum de quibusdam esset mentio facta, dixisse,

is often used in this form, but the indicative also is used, as Halm shows by examples from Cicero, Ad Att. vii. 1: "Age, hoc malum mihi commune est cum omnibus;" Verr. ii. 3, c. 24: "Esto: falsam de illis habuit opinionem."

duobus prodigiis] The consuls Piso and Gabinius. Vatinius set Clodius the bad example (Pro Sestio, c. 14).—'malo mactandus:' see In Cat. i. 11: "summo supplicio mactari."

Sabinorum] Abrami as usual is full of learning on the strict habits of the Sabini. He refers to Horace, Carm. iii. 6, and other passages. The Marsi and Peligni were a warlike race of mountaineers (Appian, B. C. i. 46). Halm in his last edition writes 'Paelignorum.' Vatinius lost the vote of the tribe Sergia, which contained, as the Scholiast tells us, the Sabini, Marsi and Peligni. (See c. 16, note.)

legem de ambitu] The Lex Tullia de ambitu enacted in Cicero's consulship, B.C. 63. As to the words 'petat petiturusve sit,' see Pro Sestio, c. 64, and the note.—'in ipsa petitione:' in his canvassing for the praetorship in this very year, but he did not get the praetorship till the next year and by the favour of the consuls Cn. Pompeius and M. Crassus (Manutius). Hermann refers to Macrobius (Sat. ii. 6), who says that Vatinius was pelted by the people at his gladiators' show. It is one of the antient jokes and not bad: "Lapidatus a populo Vatinius cum gladiatorium munus ederet, obtinuerat ut aediles edicerent ne quis in arenam nisi pomum misisse vellet. Forte his rebus Cascellius (jurisconsultus) consultus a quodam an nux pinea pomum esset, respondit: Si in Vatinium missurus es, pomum est."

certissimi gladiatoris] Clodius, whom he calls 'certissimus,' 'most sure,' a man that he could rely on. Halm compares 'certissimus parricida' at the beginning of this chapter.

16. *nuper Aquileiae*] This oration was delivered in B.C. 56. 'Nuper' is not a

C. Alfium praeteritum permoleste tulisse, quod in homine summam fidem probitatemque cognosset, graviterque etiam se ferre praetorem aliquem esse factum qui a suis rationibus dissensisset? tum quaesisse quendam, de Vatinio quemadmodum ferret; ipsum respondisse, Vatinium in tribunatu gratis nihil fecisse: qui omnia in pecunia posuisset, honore animo aequo carere debere. Quod si ipse, qui te suae dignitatis augendae caussa, periculo tuo, nullo suo delicto, ferri praecipitem est facile passus, tamen te omni honore indignissimum judicat; si te vicini, si affines, si tribules ita oderunt ut repulsam tuam triumphum suum duxerint; si nemo aspicit quin ingemiscat, nemo mentionem facit quin exsecretur; si vitant, fugiunt, audire de te nolunt, quum viderunt, tamquam auspicium malum detestantur; si cognati respuunt, tribules exsecrantur, vicini metuunt, affines erubescunt, strumae denique ab ore improbo demigrarunt, et aliis jam se locis collocarunt; si es odium publicum populi, senatus, universorum hominum rusticanorum; quid est quam ob rem praeturam potius exoptes quam mortem? praesertim

very precise term. Caesar was at Aquileia in the early part of B.C. 58 (B. G. i. 10). He was in Gallia Citerior at the end of B.C. 58, and at the beginning of B.C. 57 (B. G. ii. 1); and he was in North Italy again at the end of B.C. 57 or in the beginning of B.C. 56. In the winter of 57—56 he went into Illyricum (B. G. iii. 7), and on his road he would pass through Aquileia. It is to the early part of B.C. 56 that Cicero seems to refer.—'C. Alfium:' he was a trib. pl. who supported Caesar against his colleague Bibulus. He was 'praeteritus,' rejected at the election, when he was a candidate for the praetorship. But he was afterwards elected (Ad Q. Fr. iii. 1; and Pro Sestio, c. 53). The 'praetorem aliquem' is Cn. Domitius Calvinus, as the Scholiast says. Halm suggests that Q. Ancharius also is alluded to.

nullo suo delicto] And yet Caesar 'suae dignitatis augendae caussa . . . ferri praecipitem est facile passus.' Cicero spares the man whom he feared, and pours out all his abuse on Caesar's tool.

vicini metuunt] The 'tribules' and 'vicini' are mentioned separately. Hermann supposes the 'vicini' to be the Sabini, for Vatinius was a Reatinus (Cic. De Nat. Deor. ii. c. 2), and we may assume that his patrimonial property was in that country. If Vatinius belonged to the tribus Sergia, and the Sabini to the Quirina or Velia, the Sabini are properly distinguished as 'vicini' from Vatinius' 'tribules' the Marsi and Peligni (c. 15). A man retained the 'tribus' to which his ancestors belonged, even if he had his domicile in another district. The Sabini, his vicini, feared Vatinius, because being a powerful man he could plague them, if any dispute at any time arose between him and his neighbours about the boundaries of their property (Hermann). There might be no disputes about boundaries (de finibus regundis), and yet Vatinius might be a bad neighbour and plague the people in many ways.

strumae . . . collocarunt] These personal allusions of Cicero are disgraceful to him, and the joke, whatever it means, is frigid and insipid. Schütz thought the passage might be interpolated, because Cicero (c. 2) describes Vatinius as 'inflato collo.' But there is nothing in this remark.

odium publicum populi] 'Populi' seems unnecessary after 'publicum,' but it is in the MSS. Horace has 'publica cura' (Carm. ii. 8. 7):

"juvenumque prodis
Publica cura."

Cicero ends with telling the man that as he wishes to be popular, the best way to get his wish is to die. Passeratius reminds us of a like point in the Mimi of P. Syrus (v. 23): "Avarus nisi quum moritur nihil recte facit."

quum popularem te velis esse neque ulla in re populo gratius facere possis.

Sed ut aliquando audiamus quam copiose mihi ad rogata respondeas, concludam jam interrogationem meam teque in extremo pauca de ipsa caussa rogabo. XVII. Quaero, quae tanta in te vanitas, tanta levitas fuerit, ut in hoc judicio T. Annium iisdem verbis laudares quibus eum verbis laudare et boni viri et boni cives consuerunt, quum in eundem nuper, ab eadem illa taeterrima furia productus ad populum, cupidissime falsum testimonium dixeris? An erit haec optio et potestas tua, ut, quum Clodianas operas et facinorosorum hominum et perditorum manum videris, Milonem dicas, id quod in contione dixisti, gladiatoribus et bestiariis obsedisse rem publicam; quum autem ad tales viros veneris, non audeas civem singulari virtute, fide, constantia vituperare? Sed quum T. Annium tanto opere laudes et clarissimo viro non nullam laudatione tua labeculam aspergas, in illorum enim numero mavult T. Annius esse qui a te vituperantur,—verum tamen quaero, quum in re publica

ipsa caussa] The affair of Sestius. He proceeds to show the inconsistency of Vatinius in attacking Sestius and praising Milo, for Sestius and Milo, as Cicero represents it, were quite agreed in their opinions on public matters. Albinovanus was chargeable with the same inconsistency in his prosecution (Pro Sestio, c. 42) (Manutius).

17. *vanitas*] 'Vanitas' sometimes means 'lying:' "sordidi etiam putandi qui mercantur a mercatoribus quod statim vendant. Nihil enim proficiunt nisi admodum mentiantur; nec vero quidquam est turpius vanitate" (Cic. De Off. i. 42; and compare iii. 14).—'quibus eum verbis:' a repetition not unworthy of Tullius, says Garatoni, who refers to the Pro Sestio, c. 4. The 'taeterrima furia' is of course P. Clodius. (Pro Sestio, c. 44.)

Cicero says 'cupidissime falsum testimonium dixeris,' where 'cupidissime' expresses the witness's forwardness to do all the damage that he can to a defendant without caring for the truth. Cicero often uses 'cupidus' in this way. Quintilian (Inst. Or. v. 7) says of the examination of witnesses: "Eorum vero quibus denuntiatur pars testium est quae reum laedere velit, pars quae nolit; idque interim scit accusator, interim nescit. Fingamus in praesentia scire; in utroque enim genere summis artibus interrogantis opus est. Nam si testem habeat cupidum laedendi, cavere debet hoc ipsum, ne cupiditas ejus appareat."

optio et potestas] Halm compares Cicero, Divin. c. 14, Vol. i.: "quoties ille tibi potestatem optionemque facturus sit ut eligas." The 'tales viros' are the judices on Sestius' trial.

verum tamen quaero] This is Lambinus' emendation. The MSS. and the editions had 'verum etiam quaero;' but there are some traces of the reading 'verum tamen' in the MSS., and it seems to be right.—'improborum:' Clodius and Albinovanus, of whom Clodius prosecuted Milo De vi, and Albinovanus prosecuted Sestius on the same charge (Manutius).—'non numquam:' the MSS. are said to have only 'numquam' which Halm retains in his first edition, but in his second he has 'non numquam.' The omission of a negative, when it ought to be in, or its insertion when it ought not to be in, is one of the commonest things in the MSS. Hermann thinks that 'non numquam soles' contains a contradiction. It would be more correct to say that it is an inexact way of speaking. If Cicero had simply said 'soles,' he would have said more than he meant, and so he qualifies it. Cicero's meaning is that P. Clodius was the only man whom Vatinius acknowledged to be a greater rascal than himself, and he did not always admit this. Vatinius of course, as Cicero says, gloried in his villainy. The 'alter die dicta' is Milo; and the 'alter tuis consiliis' is P. Sestius, whom Albinovanus prosecuted at the instigation of Vatinius and with the help of Clodius.

administranda T. Annio cum P. Sestio consiliorum omnium societas fuerit, id quod non solum bonorum verum etiam improborum judicio declaratum est—est enim reus uterque ob eandem caussam et eodem crimine; alter die dicta ab eo, quem tu unum improbiorem esse quam te non numquam soles confiteri; alter tuis consiliis, illo tamen adjuvante—quaero qui possis eos quos crimine conjungis testimonio disjungere. Extremum illud est quod mihi abs te responderi velim; quum multa in Albinovanum de praevaricatione diceres, dixerisne nec tibi placuisse nec oportuisse Sestium de vi reum fieri, quavis lege, quovis crimine accusandum potius fuisse? etiam illud dixeris, caussam Milonis fortissimi viri conjunctam cum hoc existimari? quae pro me a Sestio facta sint, bonis esse grata? Non coarguo inconstantiam orationis ac testimonii tui—quas enim hujus actiones probatas bonis esse dicis, in eas plurimis verbis testimonium dixisti; quicum autem hujus caussam periculumque conjungis, eum summis laudibus extulisti:—sed hoc quaero, num P. Sestium, qua lege accusandum omnino fuisse negas, ea lege condemnari putes oportere? aut, si te in testimonio consuli noles, ne quid tibi auctoritatis a me tributum esse videatur, dixerisne in eum testimonium de vi quem negaveris reum omnino de vi fieri debuisse?

de praevaricatione] The offence of 'praevaricatio' consisted in not honestly prosecuting a man, but acting the prosecutor in such way as to insure his acquittal (De Divin. c. 18, Vol. i.). There is nothing inconsistent in Vatinius having charged Albinovanus with 'praevaricatio,' and at the same time saying that Sestius ought not to have been prosecuted; but there was an inconsistency in saying all this, and saying that Sestius ought to have been convicted (ea lege condemnari putes oportere). Between the first question and the conclusion, 'sed hoc quaero,' Cicero interposes a question about Milo. He asks if Vatinius had said that Milo's case was all one with that of Sestius ('cum hoc' is equivalent to 'cum Sestii caussa'), and if he had said that Cicero's defence of Sestius was approved by honest men. Cicero does not stop to show the inconsistency between the man's talk and his evidence, but he does it in a manner by saying, that Vatinius gave his evidence against those measures of Sestius (hujus actiones) which he affirmed to be approved by the good, and here we have the inconsistency between 'quae pro me a Sestio facta sint' &c., and 'quas hujus actiones . . . dixisti.' In the words 'quicum autem hujus caussam . . . extulisti' we have the contradiction to 'etiam illud dixeris . . . existimari.' Ferratius has explained this better than Manutius, who misunderstood it. Ferratius adds by the way that the witnesses were examined after the 'oratores' had made their speeches; but he says that in the case of Repetundae this was done after the first actio, and that this appears from Verres' case.

quicum autem hujus caussam] Compare the words 'conjunctam cum hoc.' 'Quicum' is Milo: 'hujus' is Sestius. Garatoni proposed 'hujus,' and Orelli accepted it. No MSS. authority for 'hujus' is quoted. Madvig objects to 'hujus.' He says Sestius having once been mentioned (quas hujus actiones), the other pronoun (ejus) is used, referring to the former. This is doubtless the correct use of 'ejus,' but in this passage the repetition of 'hujus' seems necessary; not necessary for the sense, but necessary to give the proper force to what the orator says.

si . . . consuli noles] By the form of the question 'num . . . qua lege' &c. Cicero asks Vatinius' opinion; but he sarcastically adds, if you do not choose to have your opinion asked; he himself of course not thinking Vatinius' opinion worth any thing. Accordingly he ends by asking him about a fact, and not for his opinion.

The Erfurt MS. has 'nolis.'

PRO M. CAELIO

ORATIO.

INTRODUCTION.

M. Caelius Rufus, the son of M. Caelius Rufus a Roman Eques, was born B.C. 82. When he was a youth, his father introduced him to M. Crassus and to M. Cicero, that he might have the opportunity of improving his oratorical talents and getting some knowledge of public affairs by seeing and conversing with those distinguished men. Cicero (Brutus, c. 79) bears testimony to the oratorical talent of his young friend, whose career terminated at an early age (B.C. 48), and long before the time when a man's abilities attain their maturity. Quintilian (x. 1, 115) says, "Caelius had great ability and particularly great urbanity (urbanitas) as a prosecutor, and was worthy of a better disposition and a longer life." In the collection of Cicero's Letters (Ad Fam. lib. viii.) there is a book of letters from Caelius to Cicero, seventeen letters in all, which are very well written. Catullus, who was a friend of Caelius, has addressed two of his short poems to him (58 and 100). We learn enough of Caelius' character from Cicero's admissions in this oration. He was a young man of strong passions, and had lived an irregular life; but Cicero assures the judices that he had amended and would still improve. His amours with Clodia first gave him a bad name and then a quarrel with the woman got him into trouble; but he was well rid of such a woman at the cost of having to defend himself against the charges which she instigated others to make.

Caelius began his career as an orator in B.C. 59 by prosecuting C. Antonius, Cicero's colleague in the consulship. The year of his quaestorship is uncertain, but it was before this oration was delivered, as we may infer from a passage (c. 7), in which Cicero says that Caelius had not been guilty of bribery (ambitus), for at that time he certainly could have held no office except the quaestorship. He next prosecuted

L. Sempronius Atratinus the father for ambitus. Atratinus was defended by Cicero, and acquitted (B.C. 57); but Caelius, we are told in this oration, was renewing the prosecution in some form. But in B.C. 56 Caelius himself was prosecuted by Atratinus the son, on a charge of having borrowed from Clodia, with whom he had cohabited, some of her gold ornaments or vessels, for the purpose of procuring the death of Dion an ambassador from Alexandria; and on the further charge of attempting to poison Clodia after he had quarrelled with her or deserted her. Caelius spoke for himself, and M. Crassus and Cicero also spoke for him. Caelius was acquitted. Caelius was tr. pl. in B.C. 52, and a partizan of C. Caesar. In B.C. 51 he was elected curule aedile for the following year. When Caesar was in North Italy in B.C. 49, Caelius left Rome and joined him, and he served under Caesar in Spain in that year, as we learn from two of his letters to Cicero (Ad Fam. viii. 16 and 17). In B.C. 48 he was Praetor, and his turbulent conduct in his office caused such disturbance, that he left Rome, pretending that he was going to Caesar. He was killed before Thurii by some Spanish and Gallic cavalry in Caesar's service, whom he had endeavoured to persuade to surrender the place (Caesar, B. C. iii. 20—22).

The speech which Caelius delivered on this occasion in his own defence is entitled 'pro se de vi' by Suetonius (De Clar. Rhet. 2); and also 'de vi' by Quintilian (Inst. xi. 1, 51).

Waechter (quoted by Orelli, Cicero, Index Legum) has a long discussion on the Lex Plautia or Plotia de vi, the oldest law that the Romans had on this matter. The orations of Cicero which refer to this Lex are the Pro Sestio, Pro M. Caelio, and Pro Milone. The oration Pro Milone however refers chiefly to a Lex Pompeia de vi, which was enacted B.C. 52; and we learn nothing about the Plautia from the oration Pro Sestio.

Caelius, as this oration shows, was charged with several offences which came under the description of 'vis,' and also with some other matters, such as 'seditiones Neapolitanae, Alexandrinorum legatorum pulsatio, bona Pallae;' also with hiring slaves to assassinate Dion the legatus of the Alexandrini, and to poison their own mistress Clodia. The first part of these charges related more directly to the Lex Plautia, and M. Crassus defended Caelius against them. Cicero spoke on the second charges. He had nothing to say to the charges De vi, because the points to which he had to speak had nothing to do with this matter (c. 30). The only two passages in which he alludes to the Lex de vi are c. 1 and 29. From this second passage it has been inferred that there was also a Lex Lutatia de vi proposed by the consul Q. Lutatius Catulus B.C. 78, the year of L. Sulla's death. There is no authority for the existence of such a Lex except this passage.

The passages which relate to the Lex Plautia de vi are few. They are the following, as referred to by Waechter:—

1. Asconius, ad Ciceronis orat. Pro Milone (p. 55, ed. Orelli).
2. Sallust (Cat. c. 31) says that Catilina was accused under the Lex Plautia (Introduction to the Orations against Catilina, Vol. iii. p. 6).
3. It is mentioned in the spurious oration of Sallust against Cicero, i. 3.
4. It appears to be alluded to in the passage De Haruspicum Responsis, c. 8.
5. Cicero (Ad Atticum, ii. 24) says "Nunc reus erat apud Crassum Divitem Vettius de vi," which appears to be another allusion to this Lex Plautia.

Orelli adds to these passages one in the Schol. Bob. ad orat. Pro Sulla, p. 368.

The date of this Lex Plautia is uncertain. It has been fixed at the year B.C. 89 (Vol. ii. p. 140), and the proposer is supposed to have been a tr. pl. M. Plotius Silvanus; but it must be admitted that there is really no evidence for this, as Waechter shows. Nor, as already remarked, is there any evidence for a Lex Lutatia de vi except the passage in this oration, which has been referred to above. Still Cicero in this passage does speak distinctly of a Lex of Catulus and a Lex de vi. We may conclude, says Waechter, from the passage of Sallust (2) that the Lex Plautia was enacted before A.U.C. 690 (691), the year in which Catilina received notice of this prosecution (B.C. 63). But though there may be no direct evidence for the existence of this Lex at an earlier date, it is very probable that it was enacted some time before B.C. 63 (Vol. ii. pp. 139, 140).

The provisions of the Lex Plautia cannot be determined with any exactness. They seem to have been directed against carrying arms, violence against magistrates, riots, getting men together for the purpose of using violence, the forcible occupation of public places and houses, and the destruction of houses (Waechter). Accordingly the provisions of the Lex Plotia agree with what Paulus (Sentent. Recept. v. 26, ed. Arndts) says of the Lex Julia de vi privata: "Lege Julia de vi privata tenetur qui quem armatis hominibus possessione, domo, villa agrove dejecerit, expugnaverit, obsederit, cluserit, idve ut fieret homines commodaverit, locaverit, conduxerit; quive coetum, concursum, turbam, seditionem, incendium fecerit—quive cum telo in publico fuerit, templa, portas, aliudve quid publicum armatis obsederit, cinxerit, clauserit, occupaverit. Quibus omnibus convictis si honestiores sint, tertia pars bonorum eripitur et in insulam relegantur, humiliores in metallum damnantur." It is thus certain that the Lex Julia de vi followed the Lex Plautia in substance and

probably in form also. The history of Roman law shows that the later Leges were founded on the earlier, which they modified as circumstances required. The passage in Paulus 'quive cum telo in publico fuerit' compared with a passage of Cicero (Ad Att. ii. 24) already referred to, helps to confirm this: "fit SCtum ut Vettius quod confessus esset se cum telo fuisse in vincula conjiceretur;" and in the same letter he says afterwards what has been already quoted (5). When Catilina was threatened with a prosecution under the Lex Plautia, as Sallust tells us that he was (c. 31), we may conclude from another passage (c. 27) what offences he was charged with under this Lex: "Interea (Catilina) Romae multa simul moliri, consuli insidias tendere, parare incendia, opportuna loca armatis hominibus obsidere, ipse cum telo esse, item alios jubere, hortari uti semper intenti paratique essent." If we compare this passage with the words of Paulus, we find that these acts of Catilina would have brought him within the penalties of the later Lex Julia de vi; and we may conclude from comparing chap. 27 and 31 that these were the offences with which he was charged under the Lex Plautia. Accordingly, as Waechter remarks, we cannot conclude from Cicero's words "qui armati . . . rem publicam oppugnarint" (Pro M. Caelio, c. 1) that the Lex Plautia was directed against treason, for Cicero is speaking oratorically and not quoting the words of the Lex. Catilina was guilty of 'vis' and also of conspiring against the state, and the surest way of stopping his designs was to prosecute him for what could be proved against him; and as we know from the history of the conspiracy, the proof of a treasonable design was not got till after Catilina had left Rome. A like remark will explain why the less dangerous conspirators after the execution of the leaders, were prosecuted De vi only, as Cicero says (Pro M. Caelio, c. 29; see the Introduction to the oration Pro P. Sulla, Vol. iii.).

Waechter's conclusion then is perfectly correct that when Cicero in this oration speaking of the Lex Plautia uses the words 'rem publicam oppugnarint,' he means to say no more than that all violence is dangerous to the tranquillity of a state. In fact all force, not exercised by virtue of and for the execution of the Law, is an attack on the sovereign power, which allows no force to be used, except in self-defence or in obedience to the Law. "This may be considered as proved particularly by this fact, that when Clodius a private person was killed by Milo, the Senate in order to establish for that case a 'judicium extra ordinem' made a decree 'caedem hanc contra rem publicam factam;' and Cicero explains this by the remark, that no force can be exercised among citizens in a free state, which does not also touch the state itself; and accordingly all force in a measure is an act 'contra rem publicam' (Cicero, Pro Milone, c. 5: 'quia nulla vis unquam est in libera civitate

suscepta inter cives non contra rem publicam;' and cc. 6, 11)." (Waechter.)

In the Juliae Leges de vi we have a distinction between Vis Publica and Vis Privata, for there were two Juliae Leges on this subject, respectively entitled De Vi Publica, and De Vi Privata (Dig. 48, tit. 6 and 7). But we have no evidence in the notices of the Lex Plautia that it made a distinction between Vis Publica and Vis Privata; and accordingly we assume that it did not, until the contrary can be proved.

We do not know what the penalty of the Lex Plautia was. It is generally assumed that it was 'aquae et ignis interdictio' (Introduction to the oration Pro Sulla, Vol. iii). Waechter says: "Even if examples should be found of many persons going into exilium on the occasion of an Accusatio de vi, and of the Interdictio aquae et ignis being afterwards passed against them, this would not prove that according to the Lex Plautia the regular penalty against a man who stood his trial and was convicted, was exilium." But if this was not the penalty, he asks what could it be, for Relegatio was not made a punishment until the imperial period. Nothing remains, he says, except a pecuniary penalty and deprivation of the capacity to obtain the honores, to sit in the senate and the like. This is the punishment which was fixed by the Lex Julia de vi privata; and as this Lex provided for the offences which were comprised in the Lex Plautia, we may conclude that it also adopted the penalties of that Lex.

The reader who wishes to investigate this matter further, may consult Rein (Das Criminalrecht, &c. p. 738) and the writers whom he quotes, if it should be worth his while. Rein concludes that there must have been a Lex Lutatia de vi; and this we must admit, for Cicero says so. But we do not know any thing more about it, and all conjecture is useless. Rein reconciles Cicero's statement that the smaller conspirators were punished under the Lex Lutatia, though elsewhere it is said that they were prosecuted under the Lex Plautia, by a pure assumption that the Lutatia merely regulated the procedure. With respect to the penalty of the Lex Plautia, which he conjectures to have been banishment, he refers to the Pro Sulla (c. 31) and to the Pro Sestio (c. 69), which passages seem to confirm his opinion.

This oration is edited by Halm in the second edition of Orelli's Cicero. The following are the MSS. abbreviations which he has used:—

A = fragmentum palimpsesti Ambrosiani ab Ang. Maio collati.

T = fragmenta palimpsesti Taurinensis a Peyronio collati.

P = codex Parisinus 7794 a me collatus.

G = codex Gemblacensis, nunc Bruxellensis num. 5345 a Baitero collatus.

E = codex Erfurtensis a Wundero collatus.

S = codex Salisburgensis aulicus n. 34 (Cod. Lat. Monac. 15734) a me collatus.

Col = codex gymnasii catholici Coloniensis num. 70 qui excerpta ex compluribus scriptis Tullianis continet. Codicem ipse excussi.

C = codices nostri omnes.

In commentario critico integram dedimus lectionum discrepantiam ex A T P, selectam reliquorum (Halm).

There is an edition of this oration by Orelli, Zürich 1832, which I have used. I have also used the notes of Manutius, and others of the old commentators, which are referred to in the notes.

M. TULLII CICERONIS

PRO

M. CAELIO ORATIO

AD JUDICES.

I. Si quis, judices, forte nunc adsit ignarus legum, judiciorum, consuetudinis nostrae, miretur profecto quae sit tanta atrocitas hujusce caussae, quod diebus festis ludisque publicis, omnibus forensibus negotiis intermissis, unum hoc judicium exerceatur, nec dubitet quin tanti facinoris reus arguatur ut eo neglecto civitas stare non possit: idem quum audiat esse legem quae de seditiosis consceleratisque civibus, qui armati senatum obsederint, magistratibus vim attulerint, rem publicam oppugnarint, quotidie quaeri jubeat, legem non improbet, crimen quod versetur in judicio requirat; quum audiat nullum facinus, nullam audaciam, nullam vim in judicium vocari, sed adolescentem illustri ingenio, industria, gratia accusari ab ejus filio quem ipse in judicium et vocet et vocarit, oppugnari autem opibus meretriciis, illius [Atratini] pieta-

1. *atrocitas hujusce caussae*] 'the enormity of the offence brought to trial.' So he says Pro Quintio, c. 16, "rei atrocitas;" and in Cat. iv. 6, "ut ego quod in hac caussa vehementior sum non atrocitate animi moveor, quis enim est me mitior?"

diebus festis ludisque publicis] For on such days the courts were closed, except some very weighty matter was on hand, as Macrobius (Sat. i. 16) says: "Festi diis dicati sunt. Profesti hominibus ad administrandam rem privatam publicamque concessi." So Cicero says shortly after, "quibus otiosis ne in communi quidem otio liceat esse."

legem quae] The Lex Plautia or Plotia de vi. See the Introduction. He says 'quotidie;' the Lex applied to such cases, he says, as could not be postponed even for keeping the holidays.

illustri ingenio] A man whose eloquence had been already tried in the case of C. Antonius, Cicero's colleague, whom Caelius had prosecuted to condemnation.

et vocet et vocarit] Caelius had prosecuted Atratinus, the father, who had been acquitted; and we are here told that he was preparing or had begun a second prosecution.—'opibus meretriciis'—Clodia, who was not only 'nobilis,' but 'nota,' as he says afterwards (c. 13), a prostitute.

tem non reprehendat, muliebrem libidinem comprimendam putet, vos laboriosos existimet quibus otiosis ne in communi quidem otio liceat esse. Etenim si attendere diligenter, existimare vere de omni hac caussa volueritis, sic constituetis, judices, nec descensurum quemquam ad hanc accusationem fuisse, cui utrum vellet liceret, nec quum descendisset quidquam habiturum spei fuisse, nisi alicujus intolerabili libidine et nimis acerbo odio niteretur. Sed ego Atratino, humanissimo atque optimo adolescenti, meo necessario, ignosco, qui habet excusationem vel pietatis vel necessitatis vel aetatis. Si voluit accusare, pietati tribuo; si jussus est, necessitati; si speravit aliquid, pueritiae. Ceteris non modo nihil ignoscendum, sed etiam acriter est resistendum.

II. Ac mihi quidem videtur, judices, hic introitus defensionis adolescentiae M. Caelii maxime convenire, ut ad ea quae accusatores deformandi hujus caussa, detrahendae spoliandaeque dignitatis gratia, dixerunt, primum respondeam. Objectus est pater varie, quod aut parum splendidus ipse aut parum pie tractatus a filio diceretur. De dignitate M. Caelius notis ac majoribus natu et sine mea oratione et tacitus facile ipse respondet: quibus autem propter senectutem, quod jam diu minus in foro nobiscumque versatur, non aeque est cognitus, hi sic habeant; quaecumque in equite Romano dignitas esse possit, quae certe potest esse maxima, eam semper in M. Caelio habitam esse summam hodieque haberi non solum a suis, sed etiam ab omnibus quibus potuerit aliqua de caussa esse notus. Equitis Romani autem esse filium criminis loco poni ab accusatoribus neque his judicantibus oportuit, neque defenden-

laboriosos] Cicero (Tusc. ii. 15): "Industrios homines Graeci studiosos vel potius amantes doloris appellant, nos commodius laboriosos. Aliud est enim laborare, aliud dolere." 'Amans doloris' is φιλόπονος, 'laboriosus' is ἐπιπόνος. He says that the Greeks, whose language is more copious than the Latin, have only one word for 'dolor' and 'labor.'

descensurum] See Index, Vol. iii. 'descendere:' and Divin. c. 1, Vol. i. It was a common form of expression; but its particular meaning depends on the context. Here it means something degrading, and the passage in the Divinatio is like this. But in other cases, as Orelli remarks, it has another sense, as when Horace says (Carm. iii. 1), "descendat in Campum petitor."

cui utrum vellet liceret] 'One who had the choice between two things.' See In Vat. c. 14, "quum tibi utrum velles liceret."

pueritiae] He was not 'puer;' but Cicero calls him so with a sneer.

2. *hic introitus*] What he is going to say, as he tells us, 'ut ad ea . . . primum respondeam.'—'deformandi hujus caussa:' 'to disparage him,' 'to destroy his character.' This was "extra caussam: cujus generis multa ab accusatoribus saepe dicuntur" (Manutius). Cicero (Pro Caecina, c. 5) uses 'deformare' in another sense.

Objectus est pater] "Objecta est enim Asia," Pro Murena, c. 5, Vol. iii. and the note.—'notis:' 'to those who know him.' 'Notus' has a double sense. Compare 'aliqua de caussa esse notus.' So has 'ignotus.' See Verr. ii. 5, c. 29. Horace (Sat. i. 1, 85) has:

"Vicini oderunt, noti, pueri atque puellae."

his judicantibus] A third part of the Judices were Equites under the Lex Aurelia:

tibus nobis. Nam quod de pietate dixistis, est quidem ista nostra existimatio, sed judicium certe parentis. Quid nos opinemur audietis ex juratis; quid parentes sentiant, lacrimae matris incredibilisque maeror, squalor patris et haec praesens maestitia quam cernitis, luctusque declarat. Nam quod est objectum, municipibus esse adolescentem non probatum suis, nemini umquam praesenti praetoriani majores honores habuerunt quam absenti M. Caelio; quem et absentem in amplissimum ordinem cooptarunt, et ea non petenti detulerunt quae multis petentibus denegarunt: idemque nunc lectissimos viros et nostri ordinis et equites Romanos cum legatione ad hoc judicium et cum gravissima atque ornatissima laudatione miserunt. Videor mihi jecisse fundamenta defensionis meae, quae firmissima sunt, si nituntur judicio suorum. Neque enim vobis satis commendata hujus aetas esse posset, si non modo parenti, tali viro, verum etiam municipio tam illustri ac tam gravi displiceret. III. Equidem, ut ad me revertar, ab his fontibus profluxi ad hominum famam, et meus hic forensis labor vitaeque ratio dimanavit ad existimationem hominum paullo latius commendatione ac judicio meorum.

Nam quod objectum est de pudicitia, quodque omnium accusatorum non criminibus, sed vocibus maledictisque celebratum est, id

'neque defendentibus nobis;' and Cicero was of an equestrian family, like Caelius.—'nostra existimatio:' 'that is indeed a matter on which we may have an opinion,' but the father must be the real judge of his son's filial duty. Halm writes 'vestra existimatio,' contrary to the Codd. He says: "Discernuntur judicia trium diversarum partium: existimatio adversariorum, judicium parentium, opinio patronorum." But 'nostra' is consistent. Cicero opposes his own and other people's opinion to that of the father. And the words 'quid nos opinemur' agree with this reading very well.

ex juratis] 'from the witnesses,' from men who were on their oath. So 'juratus dixit' means 'testis juratus dixit.'—'praetoriani:' this is the MSS. reading. The editions have generally 'Puteolani,' but there is no authority for it. The reading is corrupt, and 'praetoriani' perhaps ought to be erased.—'in amplissimum ordinem:' into the municipal Curia, into the body of Decuriones.—'cum legatione.. laudatione:' a deputation was sent as usual to express the opinion of the municipium, to speak to Caelius' character (cum laudatione). See Pro Flacco, c. 15 and note.

3. *ab his fontibus*] One of Cicero's metaphors, which we cannot altogether approve. One of his commentators observes that such a metaphor is inconsistent with the character of modern languages.

vocibus] 'the abuse.' One of the meanings of 'voces' (Vol. iii. Index, Voces). Caelius had a handsome person (forma et species liberalis). The passage furnishes Abrami with matter to his taste, and he piles his quotations one on another. A person need not grieve because he has beauty, but he should not abuse it. Gellius (xvii. 1) who quotes the words, "Nam quod objectum . . . esse natum," says, that some critics, among them Largius Licinius in his Ciceromastix, found fault with Cicero's language, and in this instance with his use of 'paeniteat:' "Nam *paenitere*, inquiunt, tum dicere solemus, quum quae ipsi fecimus, aut quae de nostra voluntate nostroque consilio facta sunt, ea nobis post incipiunt displicere, sententiamque in iis nostram demutamus." These critics certainly limit the use of 'paenitere' in a way which does not agree with Cicero's use of the word; but their remark is trifling, and Gellius' defence of Cicero is no better. Graevius quotes a passage from Cicero: "a senatu quanti fiam

numquam tam acerbe feret M. Caelius ut eum paeniteat non deformem esse natum. Sunt etenim ista maledicta pervulgata in omnes, quorum in adolescentia forma et species fuit liberalis. Sed aliud est maledicere, aliud accusare. Accusatio crimen desiderat, rem ut definiat, hominem ut notet, argumento probet, teste confirmet. Maledictio autem nihil habet propositi praeter contumeliam; quae si petulantius jactatur, convicium, si facetius, urbanitas nominatur. Quam quidem partem accusationis admiratus sum et moleste tuli potissimum esse Atratino datam. Neque enim decebat, neque aetas illa postulabat, neque, id quod animadvertere poteratis, pudor patiebatur optimi adolescentis in tali illum oratione versari. Vellem aliqui ex vobis robustioribus hunc maledicendi locum suscepisset; aliquanto liberius et fortius et magis more nostro refutaremus istam maledicendi licentiam. Tecum, Atratine, agam lenius, quod et pudor tuus moderatur orationi meae, et meum erga te parentemque tuum beneficium tueri debeo. Illud tamen te esse admonitum volo: primum, qualis es talem te * existiment, ut, quantum a rerum turpitudine abes, tantum te a verborum libertate sejungas; deinde, ut ea in alterum ne dicas, quae quum tibi falso responsa sint, erubescas. Quis est enim cui via ista non pateat?

minime me paenitet" (Ad Attic. i. 20); where he means that he is quite satisfied. Examples are abundant.

rem ut definiat] An 'accusatio' requires a 'crimen:' it must contain a charge, and such a charge as clearly states a fact or facts. Hotmann remarks that hence the Greeks use κατηγορεῖσθαι, and this word and κατηγορία have also the dialectic sense, as Aristotle has it (Cat. c. 3): ὅταν ἕτερον καθ' ἑτέρου κατηγορῆται. Garatoni thinks that 'hominem ut notet' is rather obscure, and that it interrupts the connexion of the sentence. But, as Orelli remarks, we have this correspondence, 'rem ut definiat . . . argumento probet;' and 'hominem ut notet . . teste confirmet.' It is a rapid mode of expression, but plain enough. The 'res,' the matter, is to be clearly stated; the man is to be well marked. The 'res' supplies matter for 'argumentum,' and the 'homo' is the object of the witnesses' testimony. But besides the rhetorical reason there is a better reason for the words 'hominem ut notet.' The learned Italian does not seem to have known that a charge must not only state the facts, but mark the man. A charge is nothing when it is made against persons who are not named. It would be what in our history is known under the name of a general warrant, or an order to seize a person or persons not named, but only described in general terms as guilty of some offence.

si facetius, urbanitas] Of which Cicero gives us such beautiful examples in his speech In Vatinium and elsewhere.

beneficium] Manutius conjectures that Cicero had defended Atratinus' father. He had served him in some way, we must suppose, and he wished to preserve his kind disposition towards him by a continuance of the same behaviour.

*talem te * existiment*] C. Something seems to be lost here.—'responsa:' the word appears to have the meaning of 'relata;' 'if the same things were falsely charged on you.' 'Falso,' says Ernesti, means 'quamvis falso.' A passage which Abrami quotes from Phil. ix. does not explain the word 'responsa,' but it contains something to the purpose: "Quid enim est minus non dico oratoris sed hominis quam id objicere adversario, quod ille si verbo negavit, non possit longius progredi qui objecerit?" A good remark, from which many might profit, who deal in calumny and lies, who say that which they cannot prove, and which is sometimes incapable of proof. A simple denial, and even that is not always necessary, shows that they are both fools and knaves when they must be content with the denial and can say nothing more.

qui isti aetati [atque etiam isti dignitati] non possit quam velit petulanter, etiam si sine ulla suspicione, at non sine argumento maledicere? Sed istarum partium culpa est eorum qui te agere voluerunt; laus pudoris tui, quod ea te invitum dicere videbamus; ingenii, quod ornate politeque dixisti. IV. Verum ad istam omnem orationem brevis est defensio. Nam quoad aetas M. Caelii dare potuit isti suspicioni locum, fuit primum ipsius pudore, deinde etiam patris diligentia disciplinaque munita, qui, ut huic virilem togam dedit—nihil dicam hoc loco de me, tantum sit quantum vos existimatis, hoc dicam, hunc a patre continuo ad me esse deductum;—nemo hunc M. Caelium in illo aetatis flore vidit, nisi aut cum patre, aut mecum aut in M. Crassi castissima domo, quum artibus honestissimis erudiretur.

Nam quod Catilinae familiaritas objecta Caelio est, longe ab ista suspicione abhorrere debet. Hoc enim adolescente scitis consulatum mecum petisse Catilinam; ad quem si accessit aut si a me discessit umquam, quamquam multi boni adolescentes illi homini nequam atque improbo studuerunt, tum existimetur Caelius Catilinae nimium familiaris fuisse.—At enim postea scimus et vidimus esse hunc in illius amicis.—Quis negat? Sed ego illud tempus aetatis, quod ipsum sua sponte infirmum, aliorum libidine infestum est, id hoc loco defendo. Fuit assiduus mecum praetore me; non noverat Catilinam. Africam tum praetor ille obtinebat. Secutus est annus:

atque etiam isti dignitati] These words are omitted in P. S. 'Dignitati' must mean 'beauty,' as in a passage in the De Inventione (ii. 1) where Cicero is speaking of Zeuxis' picture of Helen. He says the Crotoniatae once excelled other people 'corporum viribus et dignitatibus,'—both in strength and beauty.

The words 'non sine argumento' are thus explained by Manutius: There cannot be a want of something to say against those 'quorum species et forma liberalis est.' Something may be said, even if there is no suspicion; the 'argumentum' may not be strong enough to raise even a suspicion. Cicero says (Topic. 2): "Itaque licet definire, Locum esse argumenti sedem: Argumentum autem rationem quae rei dubiae faciat fidem."

istarum partium culpa] Weiske wished to change the genitive into 'istas partes;' but such a change would spoil the form of the sentence; and the double genitive in Latin is common.

4. *virilem togam*] See Pro Sestio, c. 3, and the note,—'deductum:' this was Roman fashion, and a good fashion. A young man when he had taken the toga virilis, that is a young gentleman, was taken to some distinguished person to be about him, and to learn from seeing what he did and what he said. Cicero was taken by his father (deductus) to Q. Mucius Scaevola the augur "ut quoad possem et liceret a senis latere numquam discederem" (De Am. c. 1; see Tacit. Dial. De Or. c. 4). Sir Thomas More, after he got his grammar learning, was received into the family of Cardinal Moreton, Archbishop of Canterbury, whose excellent qualities he has recorded in his Utopia.

illud tempus] His youth, and the years during which he was under Cicero's care. 'Infestum,' the participle of 'inferre,' means 'assailed,' 'attacked.' Gellius (ix. 12) has some remarks on words of this kind, which have a double sense: "Infestus ancipiti quoque significatione est. Nam et is infestus appellatur qui malum infert cuipiam; et contra, cui aliunde impendet malum, is quoque *infestus* dicitur."—'hoc loco:' 'here,' by what I am going to say.

Africam] See the Introduction to the orations against Catilina, Vol. iii.

caussam de pecuniis repetundis Catilina dixit. Mecum erat hic; illi ne advocatus quidem venit umquam. Deinceps fuit annus quo ego consulatum petivi; petebat Catilina mecum. Numquam ad illum accessit; a me numquam recessit. V. Tot igitur annos versatus in foro sine suspicione, sine infamia, studuit Catilinae iterum petenti. Quem ergo ad finem putas custodiendam illam aetatem fuisse? Nobis quidem olim annus erat unus ad cohibendum brachium toga constitutus, et ut exercitatione ludoque campestri tunicati uteremur, eademque erat, si statim mereri stipendia coeperamus, castrensis ratio ac militaris. Qua in aetate, nisi qui se ipse sua gravitate et castimonia et quum disciplina domestica, tum etiam naturali quodam bono defenderet, quoquo modo a suis custoditus esset, tamen infamiam veram effugere non poterat. Sed qui prima illa initia aetatis integra atque inviolata praestitisset, de ejus fama ac pudicitia, quum is jam se corroboravisset ac vir inter viros esset, nemo loquebatur. Studuit Catilinae, quum jam aliquot annos esset in foro, Caelius; et multi hoc idem ex omni ordine atque ex omni aetate fecerunt. Habuit enim ille, sicuti meminisse vos arbitror, permulta maximarum, non expressa signa, sed adumbrata virtutum.

5. *Tot igitur annos*] Four years, as Abrami reckons it, one of Cicero's praetorship, then the year after, then the year in which he was elected consul, and then his consulship. Catilina was again a candidate in Cicero's consulship.—'quem ergo ad finem:' 'how long then?' See In Cat. i. 1, "Quem ad finem," &c. Tacitus (Ann. xiv. 52) also says, "Quem ad finem nihil in re publica clarum fore quod non ab illo reperiri credatur?"

ad cohibendum brachium] Hotmann quotes a passage from Seneca (Lib. Declam. v.): "Apud patres nostros, qui forensia stipendia auspicabantur, nefas putabant brachium extra togam exserere, nam in toga pars quaedam in dextra parte excurrebat, quae sinus dicebatur et in dextrum humerum sic rejiciebatur ut illud obvolveret." The 'brachium' is the right arm.—'ludoque campestri tunicati:' Manutius says "non ludo campestri, sed campestri tunicati uteremur, et hoc modestiae caussa." And others take it so. The 'campestre,' he adds, was a 'vestitus hiemalis supra tunicam,' and he quotes Horace (Ep. i. 12, 18, and Macleane's note):

"Penula solstitio, campestre nivalibus auris."

But the 'campestre' was only a covering for the loins; and the youths who exercised in the 'ludus campestris' did not strip and put on the 'campestre' only like the men, but they even wore the 'tunica;' as Graevius rightly explains the passage.

defenderet] E. G.; 'defenderat' P. and a common reading, but a false reading, in the editions.—'infamiam veram:' Ernesti suspected 'veram.' Bake would write 'infamiae ventum;' an emendation which is wind and nothing else. Halm suggests 'infamiam adversam.' Why cannot Cicero say 'infamia vera?' Ovid (Met. i. 215) says "minor fuit ipsa infamia vero;" and Horace (Ep. i. 16, 39) says

"Falsus honor juvat et mendax infamia terret."

If 'honor' can be 'falsus,' and 'infamia' can be 'mendax,' 'infamia' can also be 'vera.' Besides, as Garatoni observes, Cicero says 'falsa infamia' (Pro Cluentio, c. 3), and 'falsa invidia' (c. 2).

Habuit enim ille] See the Introduction to the Orations against Catilina, Vol. iii. It was now Cicero's purpose to make Catilina less bad than he was, in order to excuse Caelius. So we must not altogether trust him either here or in his Declamations against the conspirator.

non expressa signa] 'Not the certain marks, but the form and outline of virtues.' 'Expressa signa' is a metaphor derived from the plastic art. Tacitus (Agric. c. 46):

Utebatur hominibus improbis multis; et quidem optimis se viris deditum esse simulabat. Erant apud illum illecebrae libidinum multae: erant etiam industriae quidam stimuli ac laboris. Flagrabant vitia libidinis apud illum: vigebant etiam studia rei militaris. Neque ego umquam fuisse tale monstrum in terris ullum puto, tam ex contrariis diversisque et inter se pugnantibus naturae studiis cupiditatibusque conflatum. VI. Quis clarioribus viris quodam tempore jucundior? quis turpioribus conjunctior? Quis civis meliorum partium aliquando? quis taetrior hostis huic civitati? Quis in voluptatibus inquinatior? quis in laboribus patientior? quis in rapacitate avarior? quis in largitione effusior? Illa vero, judices, in illo homine mirabilia fuerunt, comprehendere multos amicitia, tueri obsequio, cum omnibus communicare quod habebat, servire temporibus suorum omnium pecunia, gratia, labore corporis, scelere etiam, si opus esset, et audacia; versare suam naturam et regere ad tempus atque huc et illuc torquere et flectere: cum tristibus severe, cum remissis jucunde, cum senibus graviter, cum juventute comiter, cum facinorosis audacter, cum libidinosis luxuriose vivere. Hac ille tam varia multiplicique natura quum omnes omnibus ex terris homines improbos audacesque collegerat, tum etiam multos fortes viros et bonos specie quadam virtutis assimulatae tenebat. Neque umquam ex illo delendi hujus imperii tam consceleratus impetus exstitisset, nisi tot vitiorum tanta immanitas quibusdam facilitatis et patientiae radicibus niteretur. Quare ista conditio,

"forma mentis aeterna, quam tenere et exprimere non per alienam materiam et artem sed tuis ipse moribus possis." Horace (Ep. ii. 1. 248):

"Nec magis expressi vultus per aenea signa
Quam per vatis opus mores animique virorum
Apparent."

conflatum] A metaphor from the melting of metals. Garatoni thinks it is a most apt metaphor, because such opposite things would not cohere and coalesce, if they were not melted together like metals. There is not much in this remark; for pieces of metal alike or not can only be made into one mass by melting or by heat and the hammer.

6. *Quis clarioribus*] Who were the 'clariores?' Does he mean L. Sulla? and what is the 'quodam tempore,' and the 'meliores partes?' is it L. Sulla's time and Sulla's faction? If the stories about Catilina are true, he was a villain from his youth, and Cicero must have known it (Introd. to the Orations against Catilina). Compare Pro Caelio, c. 32, "civem bonarum artium, bonarum partium."

tueri obsequio] Terence, Andria, i. 1. 35:

"Sic vita erat: facile omnes perferre ac pati
Cum quibus erat cunque una, iis sese dedere,
Eorum studiis obsequi."

tum etiam multos fortes viros et bonos] The man had got about him all the bad and desperate fellows from all parts of the world. One would have supposed the maxim 'noscitur a sociis' would have been warning enough to the 'fortes viri et boni' to keep clear of such a man.

facilitatis] A kind of good nature, or apparent good nature, a willingness and a power to make himself agreeable.—'conditio:' the 'conditio' is explained by 'familiaritas.' It is a word which we can

judices, respuatur, nec Catilinae familiaritatis crimen haereat. Est enim commune cum multis, et cum quibusdam etiam bonis. Me ipsum, me, inquam, quondam paene ille decepit, quum et civis mihi bonus, et optimi cujusque cupidus, et firmus amicus ac fidelis videretur, cujus ego facinora oculis prius quam opinione, manibus ante quam suspicione deprehendi: cujus in magnis catervis amicorum si fuit etiam Caelius, magis est ut ipse moleste ferat errasse se, sicuti nonnumquam in eodem homine me quoque erroris mei paenitet, quam ut istius amicitiae crimen reformidet.

VII. Itaque a maledictis pudicitiae ad conjurationis invidiam oratio est vestra delapsa. Posuistis enim, atque id tamen titubanter et strictim, conjurationis hunc propter amicitiam Catilinae participem fuisse; in quo non modo crimen non haerebat, sed vix diserti adolescentis cohaerebat oratio. Qui enim tantus furor in Caelio? quod tantum aut in moribus naturaque vulnus, aut in re atque fortuna? ubi denique est in ista suspicione Caelii nomen auditum? Nimium multa de re minime dubia loquor; hoc tamen dico: non modo si socius conjurationis, sed nisi inimicissimus istius sceleris fuisset, numquam conjurationis accusatione adolescentiam suam potissimum commendare voluisset. Quod haud scio an de ambitu et de criminibus istis sodalium ac sequestrium, quoniam huc incidi, similiter respondendum putem. Numquam enim tam Caelius amens fuisset, ut, si se isto infinito ambitu commaculasset, ambitus alterum accusaret; neque ejus facti in altero suspicionem quaereret,

sometimes hardly translate, at least by no one word. 'Wherefore, Judices, reject altogether this matter of Caelius' relation to Catilina.'

Me ipsum] Almost deceived Cicero. Did he deceive him so far that he thought Catilina was an honest man, and defended him when he was prosecuted for malversation in his province of Africa, or at least thought of defending him? (Introd. to the Orations against Catilina.) He admits that he once thought Catilina his friend. And what a friend! One of Sulla's worst partizans, a murderer and a thief.

7. *invidiam*] A false charge or insinuation made to injure a man's character, and not supported by proof. See Vol. ii. Pro Cluentio, c. 2, note on 'Invidia.'—'titubanter et strictim:' 'with unsteady step and barely touching on it.' Cicero (Ad Att. ii. 1): "quem (librum) tu Corcyrae, ut mihi aliis litteris significas, strictim attigisti." See Pro Sex. Roscio, c. 34.

vulnus] The metaphor is from a wound, or some damage to the body, and the Romans could or did use the same metaphor to express something wrong or faulty in a man's morals, in his natural character (natura), in his circumstances, something from which we infer a probability that his conduct would not be that of an honourable man. A 'vulnus in re' is the 'domestica mala' of the oration Pro Sestio, c. 45, Vol. iii.: it is debt.

conjurationis accusatione] The allusion seems to be to Caelius' prosecution of C. Antonius, and yet C. Antonius was not prosecuted for a share in the conspiracy of Catilina. It was the practice for young men to get notoriety and seek popular applause by prosecuting somebody, as Cicero says plainly in c. 30.

de ambitu] Something, we must suppose, had been said by the prosecutors about Caelius being guilty of 'ambitus,' when he was a candidate for the quaestorship. The words 'sodales' and 'sequestres' are explained in the oration Pro Cn. Plancio. See also Vol. i. Index.

ambitus alterum accusaret] Caelius pro-

cujus ipse sibi perpetuam licentiam optaret; nec, si sibi semel periculum ambitus subeundum putaret, ipse alterum iterum ambitus crimine arcesseret. Quod quamquam nec sapienter et me invito facit, tamen est ejusmodi cupidus ut magis insectari alterius innocentiam quam de se timide cogitare videatur.

Nam quod aes alienum objectum est, sumptus reprehensi, tabulae flagitatae, videte quam pauca respondeam. Tabulas qui in patris potestate est nullas conficit. Versuram numquam omnino fecit ullam. Sumptus unius generis objectus est habitationis: triginta

secuted Atratinus' father De ambitu; and it is said, on his acquittal prosecuted him again (iterum ambitus crimine). I do not know how he could prosecute a man after his acquittal, and on the same charge. Yet Cicero says so (c. 31), "quem absolutum insequitur, revocat."

cupidus] P. E., 'cupidinis' G. Ernesti following Lambinus thinks 'cupidus' is a gloss, but, as Halm observes, such a prosecutor is properly called 'cupidus,' as witnesses are called 'cupidi' in a like case. See what he says of Caelius in c. 31. Weiske corrupted the reading into 'cupidius,' and Orelli accepted what he calls 'optima conjectura.'

tabulae flagitatae] Caelius is asked to produce his account books that he may prove his enemies' charges. Rather an impudent thing to ask of a man. However he had none: he was in the 'patria potestas,' had no property, and kept no books ('tabulas . . . nullas conficit'). Abrami has a note here, not very exact. It is now well understood that the son who was in the father's power could have no property, and, as Cicero says, having nothing, he kept no accounts. Formally Cicero was right, but in practice it seems that though the law did not allow such a son to hold property, he must for his own convenience have kept some account of what he laid out. A man might be a magistratus, as Caelius had been, and even a consul, and as such independent of the 'patria potestas,' but in respect to his father he was still subjected to him like a child. "The legal capacity of children who are in the father's power may be expressed in the following simple principle. The child is incapable in the Jus Privatum of having any power or dominion (ownership); in every other respect he has a perfect legal capacity. Also that incapacity is not to be viewed as an incapacity resting in the child itself, but simply as the consequence of the rule of law, according to which the father acquires all the rights which arise out of the acts of his child. It was consequently in the Jus Privatum only that such a limitation was observed, not in the Jus Publicum. Hence the son, like the father, could vote in the Comitia, nay, even enjoy the highest Honores" (Savigny, System &c. ii. p. 52).

Versuram . . . ullam] The son could not by borrowing put his father under the obligation of paying, for a son by his acts could improve his father's condition, but could not make it worse, as appears from a passage in the Digest (Dig. 50. 17. 133), where the rule is laid down only as to slaves and their masters, but, as Savigny observes, children and slaves in this respect were on the same footing. But a 'filiusfamilias' could contract Obligationes, and could be sued on them: "Filiusfamilias ex omnibus caussis tamquam paterfamilias obligatur, et ob id agi cum eo tamquam cum patrefamilias potest" (Dig. 44. 7. 39; quoted by Savigny). Hotmann rightly explained 'versuram facere.' It means to borrow. Abrami falls into the blunder of supposing that it means 'mutare creditorem.' Graevius observes that people confound 'versura solvere' and 'versuram facere:' 'versuram facere' is to borrow; 'versura solvere,' to borrow in order to pay an old debt.

habitationis] He had a lodging in Clodius' insula, or block. You say that he paid thirty thousand for the rent of his apartments, which shows that your friend Clodius wishes to sell his insula, and to make people believe that it is worth more than it is. Accordingly Cicero adds 'ad tempus ejus' &c., 'you have invented a lie to help him in his present circumstances.' The 'habitatio' is a room or set of rooms in an 'insula' or building which contains many sets of apartments. The tenant is 'habitator.' His rooms are sometimes called 'caenacula,' or as here 'aediculae.' The rent was a 'pensio,' payment. The owner of the 'insula' was 'dominus in-

millibus dixistis eum habitare. Nunc demum intelligo P. Clodii insulam esse venalem, cujus hic in aediculis habitat, decem, ut opinor, millibus. Vos autem, dum illi placere vultis, ad tempus ejus mendacium vestrum accommodavistis.

Reprehendistis a patre quod semigrarit. Quod quidem jam in hac aetate minime reprehendendum est: qui quum et ex rei publicae caussa jam esset mihi quidem molestam, sibi tamen gloriosam victoriam consecutus, et per aetatem magistratus petere posset, non modo permittente patre, sed etiam suadente ab eo semigravit; et quum domus patris a foro longe abesset, quo facilius et nostras domos obire et ipse a suis coli posset, conduxit in Palatio non magno domum. VIII. Quo loco possum dicere id, quod vir clarissimus M. Crassus, quum de adventu regis Ptolemaei quereretur, paullo ante dixit,

"Utinam ne in nemore Pelio" * * *

ac longius quidem mihi contexere hoc carmen liceret.

"Nam numquam hera errans"

hanc molestiam nobis exhiberet,

"Medea animo aegra, amore saevo saucia."

Sic enim, judices, reperietis, quod, quum ad id loci venero, ostendam, hanc Palatinam Medeam migrationemque huic adolescenti caussam sive malorum omnium sive potius sermonum fuisse.

Quamobrem illa, quae ex accusatorum oratione praemuniri jam

sulae.' Dig. (19, tit. 2, 'Locati et Conducti.')

semigrarit] He went to live by himself, as sons often want to do, when they get to a certain age. So Sulla, says Plutarch (c. 1), in his life of Sulla, quoted by Graevius, when he became a young man, took apartments, for which he did not pay much. Sulla, like many political adventurers who have reached great dignity, knew what poverty was in his youth. He lived in a garret, "which he was afterwards reproached with, when he was prospering beyond his deserts, as some thought" (Plutarch).—'ex rei publicae caussa:' the prosecution of C. Antonius. One reason for leaving his father's house was that he was now old enough to enter on political life (per aetatem magistratus petere posset). Accordingly he took a domus on the Palatium, at no great rent, and in order to be near the Forum.

8. *M. Crassus*] who had spoken before Cicero in this case. This king Ptolemaeus XI., Auletes, having been driven out of Alexandria by the people (B.C. 58), came to Rome to pray the Roman Senate to restore him. There came at the same time on the part of the Alexandrines some ambassadors, a great number of whom King Ptolemaeus contrived to get assassinated. If Ptolemaeus had not come, the ambassadors would not have come, and there would have been no complaint against Caelius of having maltreated these people at Puteoli. Crassus, with very little good taste, had quoted the verse 'Utinam ne,' &c.: Cicero goes further in his quotation (ac longius quidem, &c.); and he applies to Clodia what Euripides says of Medea. The verses are from Ennius' Medea, a translation and adaptation of Euripides' play. The verses are in the Rhet. ad Herennium (ii. 22), nine in number.

Quamobrem] This is connected with 'sermonum.' 'Wherefore,'—since his going to live near Clodia on the Palatine was the cause of all this talk, which is only an invention, I shall not fear the evidence that they may produce and the scandalous stories which they may try to prove.—'pontificiis comitiis:' the pontifices under the Lex Domitia, enacted in the third con-

et fingi intelligebam, fretus vestra prudentia, judices, non pertimesco. Aiebant enim fore testem senatorem, qui se pontificiis comitiis pulsatum a Caelio diceret. A quo quaeram, si prodierit, primum, cur statim nihil egerit? deinde, si id queri quam agere maluerit, cur productus a vobis potius quam ipse per se, cur tanto post potius quam continuo queri maluerit? Si mihi ad haec acute arguteque responderit, tum quaeram denique ex quo iste fonte senator emanet. Nam si ipse orietur et nascetur ex sese, fortasse, ut soleo, commovebor. Sin autem est rivulus arcessitus et ductus ab ipso capite accusationis vestrae, laetabor, quum tanta gratia tantisque opibus accusatio vestra nitatur, unum senatorem solum esse qui vobis gratificari vellet inventum. Nec tamen illud genus alterum nocturnorum testium pertimesco. Est enim dictum ab illis, fore qui dicerent uxores suas a caena redeuntes attrectatas esse a Caelio. Graves erunt homines qui hoc jurati dicere audebunt, quum sit iis confitendum numquam se ne congressu quidem et constituto coepisse de tantis injuriis experiri. IX. Sed totum genus oppugnationis hujus, judices, et jam prospicitis animis, et quum inferetur propulsare debebitis. Non enim ab iisdem accusatur M. Caelius a quibus oppugnatur. Palam in eum tela jaciuntur, clam subministrantur. Neque id ego dico, ut invidiosum sit in eos quibus gloriosum etiam hoc esse debet. Funguntur officio, defendunt suos, faciunt quod viri fortissimi solent: laesi dolent, irati efferuntur, pugnant lacessiti. Sed vestrae sapientiae tamen est, judices, non, si caussa justa est viris fortibus oppugnandi M. Caelium, ideo vobis

sulship of Marius, were elected by the populus at the Comitia (Vell. ii. 12; De Lege Agraria, ii. 7, Vol. ii.).—'nihil egerit:' 'why he did not prosecute the matter legally;' for that is the meaning of 'agere,' as Lambinus correctly says, 'jus suum actione experiri.'

ex quo iste fonte] An awkward metaphor. He only means what urged him to come forward as a witness. He continues the metaphor. A 'rivulus' is a channel for irrigation, derived from a source (caput) or some larger channel. The 'caput accusationis' is Clodia.

nocturnorum] This is said to make a laugh, Hotmann observes, because the witnesses could not see in the night. It is not very important to press the exact meaning hard. Any body can give it some meaning.—'graves erunt:' ironically said; men of weight, of character, who will have to speak on their oath, and confess that they never complained before of this insult to their wives, never even had a meeting (congressus) with the offender, and fixed a place and time for speaking of the matter (constituto). 'Experiri' is a technical term. See Pro Quintio, c. 16, Vol. ii. Cicero means that they had not even privately (intra parietes) attempted to get any satisfaction for these insults to the women ("si quid in controversiam veniret, aut intra parietes aut summo jure experiretur," Pro P. Quintio, c. 11).

9. *quum inferetur*] When they shall produce their witnesses, who would be examined after this speech.—'jaciuntur . . . subministrantur:' he uses a military form of speech; "alii multis telis conjectis defensores . . depellerent, auxiliaresque . . lapidibus telisque subministrandis," Caesar (B. G. iii. 25).

defendunt suos] They attack Caelius in order to defend their friend, Atratinus the father.

quoque vos caussam putare esse justam alieno dolori potius quam vestrae fidei consulendi. Quae sit multitudo in foro, quae genera, quae studia, quae varietas hominum videtis. Ex hac copia quam multos esse arbitramini, qui hominibus potentibus, gratiosis, disertis, quum aliquid eos velle arbitrentur, ultro se offerre soleant, operam navare, testimonium polliceri? Hoc ex genere si qui se in hoc judicium forte projecerint, excluditote eorum cupiditatem, judices, sapientia vestra, ut eodem tempore et hujus saluti et religioni vestrae et contra periculosas hominum potentias conditioni omnium civium providisse videamini. Equidem vos abducam a testibus, neque hujus judicii veritatem, quae mutari nullo modo potest, in voluntate testium collocari sinam, quae facillime fingi, nullo negotio flecti ac detorqueri potest. Argumentis agemus; signis luce omni clarioribus crimina refellemus. Res cum re, caussa cum caussa, ratio cum ratione pugnabit.

X. Itaque illam partem caussae facile patior graviter et ornate a M. Crasso peroratam, de seditionibus Neapolitanis, de Alexandrinorum pulsatione Puteolana, de bonis Pallae. Vellem dictum esset ab eodem etiam de Dione. De quo ipso tamen quid est quod exspectetis, quod is qui fecit, aut non timet, aut etiam fatetur? est

testimonium polliceri] Rascals were ready to swear any thing, and impudent enough to offer (polliceri) their services. These men would be 'cupidi testes,' anxious to serve the men who hired them without caring for the truth.

religioni vestrae] 'your oath.' He has said already 'vestrae fidei.'—'conditioni omnium:' the common lot of all; all are in danger when knaves swear falsely, if they should be believed.

hujus judicii veritatem] The 'veritas' of the 'judicium' is the real facts of the case, which cannot be changed, except we make the facts depend on what their witnesses shall say, and they will say any thing. Instead of taking the witnesses' evidence, Cicero will take facts which are not disputed, and out of these he will derive his proof (argumentis agemus). Quintilian (v. 10): "Ergo, quum sit argumentum ratio probationem praestans, qua colligitur aliud per aliud, et quae quod est dubium per id quod dubium non est confirmat, necesse est esse aliquid in caussa quod probatione non egeat. Alioqui nihil erit quo probemus, nisi fuerit quod aut sit verum aut videatur, ex quo dubiis fides fiat. Pro certis autem habemus primum quae sensibus percipiuntur, ut quae videmus, audimus, qualia sunt Signa: deinde ea in quae communi opinione consensum est." In c. 9 Quintilian properly distinguishes Signa from Argumenta: "Signa, sive indubitata sint, non sunt argumenta, quia, ubi illa sunt, quaestio non est; argumento autem nisi in re controversa locus esse non potest: sive dubia, non sunt argumenta, sed ipsa argumentis egent." Quintilian (v. 10) refers to Aristotle's Rhetoric (ii.), who, he says, "diligentissime est executus quid cuique rei et quid cuique homini soleat accidere, et quas res quosque homines quibus rebus aut hominibus vel conciliasset vel alienasset ipsa natura." He says sensibly enough, that it is too tedious, nay impossible, to go through all these particulars, and he adds, "praeterea positum in communi omnium intellectu." Every body knows them. The Signa are the σημεῖα of the Greeks, as Quintilian explains the term, and Aristotle in his Rhetoric (i. c. 2) uses the word.

10. *de Dione*] Dion was assassinated at the instigation of King Ptolemaeus (Dion 39, c. 14). Asicius, as we infer, was charged with being one of the assassins, and had been tried and acquitted.—'caussa plus profuit:' his 'caussa' is the merits of the case. Manutius says he confessed that he did it, but says that he did it 'jure.'

enim rex. Qui autem dictus est adjutor fuisse et conscius P. Asicius, judicio est liberatus. Quod igitur est ejusmodi crimen ut, qui commisit non neget, qui negavit absolutus sit, id hic pertimescat, qui non modo a facto, verum etiam a conscientiae suspicione abfuit? Et si Asicio caussa plus profuit quam nocuit invidia, huic oberit tuum maledictum, qui istius facti non modo suspicione, sed ne infamia quidem est aspersus?—At praevaricatione est Asicius liberatus.—Perfacile est isti loco respondere, mihi praesertim, a quo illa caussa defensa est. Sed Caelius optimam caussam Asicii esse arbitratur: cuicuimodi autem sit, a sua putat ejus esse sejunctam; neque solum Caelius, sed etiam adolescentes humanissimi et doctissimi, rectissimis studiis atque optimis artibus praediti, Titus Gaiusque * * * cognitus Alexandriae. Quid aut hic, aut summo splendore praeditus frater ejus de M. Caelio existimet, ex ipsis si producti erunt audietis. Ergo haec removeantur ut aliquando in quibus caussa nititur ad ea veniamus.

XI. Animadverti enim, judices, audiri a vobis meum familiarem L. Herennium perattente. In quo etsi magna ex parte ingenio ejus et dicendi genere quodam tenebamini, tamen nonnumquam verebar, ne illa subtiliter ad criminandum inducta oratio ad animos vestros sensim ac leniter accederet. Dixit enim multa de luxurie, multa de libidine, multa de vitiis juventutis, multa de moribus; et, qui in reliqua vita mitis esset et in hac suavitate humanitatis, qua prope jam delectantur omnes, versari perjucunde soleret, fuit in hac caussa pertristis quidam patruus, censor, magister; objurgavit M. Caelium, sicut neminem umquam parens; multa de incontinentia intemperantiaque disseruit. Quid quaeritis, judices? ignoscebam

praevaricatione] It may be objected that the accusator was guilty of 'praevaricatio' (Index to Vol. i.); but Cicero, who defended Asicius, can answer that this was not so. He knew certainly whether there was any collusion between himself and the prosecutor.

cuicuimodi] Augustinus; 'cujusmodi' C. Orelli and Halm have adopted the correction. See Pro Sex. Roscio, c. 34.

*Gaiusque * * **] Between these words and 'cognitus' there are in the common editions, "Coponii, qui ex omnibus maxime Dionis mortem doluerunt, qui quum doctrinae studio atque humanitatis, tum etiam hospitio Dionis tenebantur. Habitabat is apud L. Lucceium, ut audistis. Fuerat ei cognitus," &c. But this is an interpolation.

11. *L. Herennium*] He was one of the prosecutors, the subscriptor of Atratinus, as it seems.

accederet] P. E. G. 'animos .. accenderet' S. There is also a reading 'accideret,' but I do not know the authority for it. Halm does not notice it.—'leniter:' G. 'leviter' P. E. S.—'pertristis patruus:' 'a very ill-tempered patruus.' Horace (Carm. iii. 12) speaks of the 'patruae verbera linguae;' and again (Sat. ii. 3. 88): "ne sis patruus mihi." Garatoni says: 'uncles are generally more severe in reproving young men than fathers, from whom nature herself generally extorts indulgence.' Whether this is true or not those must decide who can. I suppose that the saying applied to the case of a youth under an uncle's care after the father's death.

vobis attente audientibus, propterea quod egomet tam triste illud et tam asperum genus orationis horrebam. Ac prima pars fuit illa quae me minus movebat, fuisse meo necessario Bestiae Caelium familiarem, caenasse apud eum, ventitasse domum, studuisse praeturae. Non me haec movent quae perspicue falsa sunt. Etenim eos una caenasse dixit, qui aut absunt aut quibus necesse est idem dicere. Neque vero illud me commovet, quod sibi in Lupercis sodalem esse Caelium dixit. Fera quaedam sodalitas et plane pastoricia atque agrestis germanorum Lupercorum, quorum coitio illa silvestris ante est instituta quam humanitas atque leges, siquidem non modo nomina deferunt inter se sodales, sed etiam commemorant sodalitatem in accusando, ut ne quis id forte nesciat timere videantur. Sed haec omittam: ad illa quae me magis moverunt respondeo.

Deliciarum objurgatio fuit longa et ea lenior, plusque disputationis

Bestiae] L. Calpurnius Piso Bestia was prosecuted for 'ambitus' in his canvass for the praetorship, B.C. 56. Cicero defended him; but he was convicted (Ad Q. Fr. ii. 3; Phil. xi. 5).—'studuisse praeturae' means that he helped him in the election for the praetorship.

aut quibus necesse est] 'Because they are the friends of Clodia' (Manutius). Abrami proposes to read 'aut de quibus,' &c. Orelli following Ferratius thus explains the passage, 'etenim eos una,' &c.: he said that some others supped together with Caelius at Bestia's house, and that these are either persons who are absent (aut qui absunt), which of itself shows the falsehood of the charge, or persons who were compelled by some necessity, such as debt or the influence of Clodia, to say that they supped at Bestia's in company with Caelius. This seems to be the meaning. He says that those who said that they supped with Caelius at Bestia's are either not here to give their testimony to the fact, or they are people who must say what they are told to say.

in Lupercis] The Lupercalia was a festival celebrated in February in honour of Pan Lycaeus (Phil. ii. 34; Plutarch, Romulus, c. 21). Plutarch supposed it to be a very antient festival, instituted by the Arcadians of Evander; and Virgil adopts the tradition. Ovid (Fasti, v. 99) says:

"Sacraque multa quidem, sed Fauni prima bicornis
Has docuit gentes alipedisque dei.
Semicaper, coleris cinctutis, Faune, Lupercis,
Quum lustrant celebres vellera secta vias."

The meaning is obscure. 'Dixit' seems to refer to L. Herennius, who complained, as Abrami conjectures, that Caelius had commenced a prosecution against him, though they were 'in Lupercis sodales,' members of this honourable fraternity. Cicero replies that the Lupercalia was a rude festival, and it is no wonder that 'sodales' of such a kind should not scruple to accuse one another, and should even take care to let people know that they do accuse their 'sodales.' Weiske conjectures that Herennius charged Caelius with conducting himself indecently at the Lupercalia, and that he had seen it himself, being one of the 'sodales.' Abrami observes that Cato (De Sen. c. 13) speaks of 'sodalitates' being first instituted when he was quaestor; but the 'sodalitates' of which Cato speaks were of a different kind (Vol. iii. Index, Sodales).—'germani Luperci' are 'genuine Luperci,' men well worthy of the name. Cicero (Ad Att. iv. 5) says "scio .. me asinum germanum fuisse;" 'I know that I have been a genuine ass.'—'videantur:' Hotmann, Abrami, and Halm; 'videatur' C.

Deliciarum objurgatio] The attack on Caelius' loose way of living (deliciae) was made at greater length, and in gentler terms (lenior), and there was more of argumentation in it than invective (atrocitas). As the 'judices' had listened attentively to this scandal about Caelius, Cicero thought it right to reply on that matter.—'P. Clodius:' not his enemy P. Clodius, if he really means 'amicus meus,' but another of the name, one of the 'subscriptores' of Atratinus.

habuit quam atrocitatis: quo etiam audita est attentius. Nam P. Clodius, amicus meus, quum se gravissime vehementissimeque jactaret et omnia inflammatus ageret tristissimis verbis, voce maxima, tametsi probabam ejus eloquentiam, tamen non pertimescebam; aliquot enim in caussis eum videram frustra litigantem. Tibi autem, Balbe, respondeo primum precario, si licet, si fas est defendi a me eum, qui nullum convivium renuerit, qui unguenta sumpserit, qui Baias viderit. XII. Equidem multos et vidi in hac civitate et audivi, non modo qui primoribus labris gustassent genus hoc vitae et extremis, ut dicitur, digitis attigissent, sed qui totam adolescentiam voluptatibus dedissent, emersisse aliquando et se ad frugem bonam, ut dicitur, recepisse, gravesque homines atque illustres fuisse. Datur enim concessu omnium huic aliqui ludus aetati, et ipsa natura profundit adolescentiae cupiditates; quae si ita erumpunt ut nullius vitam labefactent, nullius domum evertant, faciles et tolerabiles haberi solent.

Sed tu mihi videbare ex communi infamia juventutis aliquam

Balbe] Another of the 'subscriptores' in this prosecution of Caelius.—'respondeo:' C. Donatus, who quotes "tibi autem . . . . Baias viderit" (Ad Terentii Hecyram, iv. 1. 36), read 'respondebo;' but he omits 'qui nullum convivium renuerit,' and instead of it he has 'qui in hortis fuerit.' It may be conjectured then that 'qui in hortis fuerit' has been accidentally omitted in our MSS. of Cicero, and 'qui nullum convivium renuerit' in or by Donatus. Halm and some other editors keep both.—'precario:' the same as 'bona tua venia,' 'if you will allow me.'

Baias] To visit this place was a kind of reproach, it seems, at least to a grave man (Cic. Ad Att. i. 16): "surgit pulchellus puer; objicit mihi me ad Baias fuisse." Baiae was a place of pleasure on the coast of Campania. There were hot springs. To go to Baiae was the same as to go to the Bath. Martial (i. 63), quoted by Abrami, has an epigram on a woman who lost her character there:

"Casta nec antiquis cedens Laevina Sabinis,
Et quamvis tetrico castior ipsa viro,
Dum modo Lucrino, modo se permittit Averno,
Et dum Baianis saepe fovetur aquis,
Incidit in flammas; juvenemque secuta relicto
Conjuge Penelope venit, abit Helene."

12. *extremis, ut dicitur*] A proverbial expression, as 'ut dicitur' shows. In the Institutes of Justinian (iv. 18, § 11): "Sed de publicis judiciis haec exposuimus ut vobis possibile sit summo digito et quasi per indicem ea tetigisse."—'ad frugem bonam:' another proverb, which the context explains. In c. 31 he speaks of the 'fruges industriae.' 'Ad frugem bonam' means literally 'to good fruit.' The form 'frugem,' from a nominative 'frux,' contains the same root as 'fructus.' It had a technical meaning, as Ulpian (Dig. 50. 16. 77) defines it: "frugem pro reditu appellari, non solum quod ex frumentis aut leguminibus, verum et quod ex vino, silvis caeduis, cretifodinis, lapidicinis capitur." Gellius (xiii. 27) says: "ibi scriptum est, quum multa alia ad bonam frugem ducentia, tum vel maxime," &c.—'datur huic aliqui ludus:' so Horace (Carm. iii. 12) says:

"Miserarum est neque amori dare ludum."

communi infamia] The prosecutor, he says, took for his topic the dissolute habits of young men generally (ex communi infamia), and tried to fix some scandal (invidia) on Caelius. The talk was listened to because, while one defendant only was before us, we were thinking of the vices of many (de multorum vitiis). The attention of the court was no proof of their unfavourable judgment about Caelius. He was the defendant before them; and the court in listening to all this talk was not thinking of Caelius, but of the vices of the day.

invidiam Caelio velle conflare. Itaque omne illud silentium, quod est orationi tributum tuae, fuit ob eam caussam, quod uno reo proposito de multorum vitiis cogitabamus. Facile est accusare luxuriem. Dies jam me deficiat, si, quae dici in eam sententiam possunt, coner expromere; de corruptelis, de adulteriis, de protervitate, de sumptibus immensa oratio est. Ut tibi reum neminem, sed vitia proponas, res tamen ipsa copiose et graviter accusari potest. Sed vestrae sapientiae est, judices, non abduci ab reo, nec quos aculeos habeat severitas gravitasque vestra, quum eos accusator erexerit in rem, in vitia, in mores, in tempora, emittere in hominem et in reum, quum is non suo crimine, sed multorum vitio sit in quoddam odium injustum vocatus. Itaque severitati tuae, ut oportet, ita respondere non audeo: erat enim meum deprecari vacationem adolescentiae veniamque petere; non, inquam, audeo; perfugiis non utor aetatis, concessa omnibus jura dimitto; tantum peto ut, si qua est invidia communis hoc tempore aeris alieni, petulantiae, libidinum juventutis, quam video esse magnam, ne huic aliena peccata, ne aetatis ac temporum vitia noceant. Atque ego idem qui haec postulo, quin criminibus quae in hunc proprie conferuntur diligentissime respondeam non recuso.

XIII. Sunt autem duo crimina auri et veneni; in quibus una atque eadem persona versatur. Aurum sumptum a Clodia, venenum quaesitum quod Clodiae daretur dicitur. Omnia sunt alia non crimina, sed maledicta jurgii petulantis magis quam publicae quaestionis. Adulter, impudicus, sequester, convicium est, non accu-

deficiat] P., and Ernesti had made the conjecture. E. G. S. have 'deficiet,' the wrong tense, for we have 'coner' in the other part of the sentence. Time would fail him, if he should attempt. But, as Orelli observes, the future can be properly used when there is no condition.

Ut tibi reum neminem] 'Though you should have no defendant before you, but merely take the subject of vice, you may make a very long and serious charge.'—'copiose:' this word is not in the MSS.—'in rem . . . in reum:' he makes a kind of play on the words, contrasting the 'thing,' the general talk about vice and so forth, with the 'person accused' (reus). 'Aculeus,' a sting, is a word that Cicero elsewhere applies to the 'judices,' using a metaphor derived, as it seems, from a bee or wasp, or some other animal. See Vol. iii. Index, 'aculei.'

Itaque severitati tuae] He is speaking sarcastically: 'erat enim meum,' &c., 'for I ought to have earnestly prayed for some licence for his youth, and to have asked for excuse.' 'Vacatio' is a military term, release from duty for a time. It is often used with a genitive, as 'vacatio aetatis' (De Legg. i. 3). But Cicero gives up all that he might have claimed (concessa omnibus jura dimitto). He only asks that the general dissoluteness of the young men of that day may not create any prejudice against Caelius. He does not refuse to answer the particular charges against Caelius (quae in hunc proprie conferuntur).

13. *versatur*] P. 'arguetur' E. 'urgetur' G. Some of the editions have 'urgetur,' but 'versatur' is the true word. The 'persona' is Clodia.—'sumptum:' borrowed. E. G. have 'emptum,' a manifest blunder. 'Aurum factum,' says Hotmann, not money, for Cicero afterwards uses the word 'commodare,' which expresses that kind of Roman contract when a thing is lent which is to be specifically returned (Verr. ii. 4. 3).

Adulter, impudicus, &c.] 'Such names

satio: nullum est enim fundamentum horum criminum, nulla sedes; voces sunt contumeliosae, temere ab irato accusatore nullo auctore emissae. Horum duorum criminum video fontem, video auctorem, video certum nomen et caput. Auro opus fuit; sumpsit a Clodia, sumpsit sine teste, habuit quamdiu voluit. Maximum video signum cujusdam egregiae familiaritatis. Necare eandem voluit; quaesivit venenum; sollicitavit quos potuit; paravit; locum constituit; attulit. Magnum rursus odium video cum crudelissimo discidio exstitisse. Res est omnis in hac caussa nobis, judices, cum Clodia, muliere non solum nobili, sed etiam nota; de qua ego nihil dicam, nisi depellendi criminis caussa. Sed intelligis pro tua praestanti prudentia, Cn. Domiti, cum hac sola rem esse nobis; quae si se aurum Caelio commodasse non dicit, si venenum ab hoc sibi paratum esse non arguit, petulanter facimus, si matremfamilias secus quam matronarum sanctitas postulat nominamus. Sin ista muliere remota nec crimen ullum, nec opes ad oppugnandum Caelium illis relinquuntur, quid est aliud quod nos patroni facere debeamus, nisi ut eos qui insectantur repellamus? Quod quidem facerem vehementius, nisi intercederent mihi inimicitiae cum istius mulieris viro: fratre volui dicere: semper hic erro. Nunc agam modice, nec

as adulterer, lewd fellow,' &c., are mere abuse. 'There is nothing for these charges to rest on, there is no place.' The 'sedes,' as Abrami says, is a "locus unde conjectura et argumentum eruatur." This is the word which Cicero uses (Top. c. 2) when he is speaking of 'loci:' "sic enim appellatae ab Aristotele sunt hae quasi sedes e quibus argumenta promuntur."

certum nomen] It could be defined exactly, called by an exact name. He has said (c. 3): "accusatio crimen desiderat rem ut definiat." He says (Pro Plancio, c. 23): "si quid sine capite (source) manabit, aut quid erit ejusmodi ut non exstet auctor qui audierit."—'necare eandem voluit:' one of the charges.

nota] An allusion to her bad character. She was 'nobilis,' a woman of rank, and notorious (nota). (c. 1, note.)

Cn. Domiti] Manutius wonders that Cn. Domitius sat as praetor in this case De vi, and also sat in the same year on the trial of Bestia De ambitu (Cicero, Ad Q. Fr. ii. 3). He remarks, there were at this time two praetors 'juris dicendi caussa,' one the Praetor Urbanus, and the other the Peregrinus. The other six had their several functions: thus Cicero when he was Praetor presided in cases of Res Repetundae; his colleague Orchinius in matters De Peculatu, Voconius in cases De Veneficio, Aquillius in trials De Ambitu, and Plaetorius and Flaminius in trials about Sicarii; from which, he adds, we may perhaps conclude, that it sometimes happened that in the same year one praetor presided at trials of two different kinds when there were few cases. Domitius, says Ferratius, presided in this case 'extra ordinem.'

secus nominamus] See Pro P. Quintio (c. 7), where he says 'honoris gratia nomino,' and the note, Vol. ii. This, says Manutius, is what he would have said, if he had been speaking of a chaste and honest woman.

mulieris viro: fratre] This is Cicero's scandal often repeated. It was easy to charge a licentious woman with such an offence, but we know not if it was true. Cicero's abuse is not evidence. He says of Clodius (Ad Fam. i. 9): "qui non pluris fecerat Bonam Deam quam tres sorores." When he says 'amicam,' he uses the word in a bad sense: she was every man's 'amica.' So Horace (Ep. i. 1, v. 20):

"Ut nox longa quibus mentitur amica."

S. has 'fratrem.' But Orelli observes, that in such passages as this, where Cicero uses

longius progrediar quam me mea fides et caussa ipsa coget. Neque enim muliebres umquam inimicitias mihi gerendas putavi, praesertim cum ea quam omnes semper amicam omnium potius quam cujusquam inimicam putaverunt. XIV. Sed tamen ex ipsa quaeram prius, utrum me secum severe et graviter et prisce agere malit, an remisse et leniter et urbane. Si illo austero more ac modo, aliquis mihi ab inferis excitandus est ex barbatis illis; non hac barbula qua ista delectatur, sed illa horrida, quam in statuis antiquis atque imaginibus videmus; qui objurget mulierem, et pro me loquatur ne mihi ista forte succenseat. Exsistat igitur ex hac ipsa familia aliquis ac potissimum Caecus ille. Minimum enim dolorem capiet qui istam non videbit. Qui profecto si exstiterit, sic aget ac sic loquetur: Mulier, quid tibi cum Caelio? quid cum homine adolescentulo? quid cum alieno? Cur aut tam familiaris huic fuisti ut aurum commodares, aut tam inimica ut venenum timeres? Non patrem tuum videras, non patruum, non avum, proavum, atavum

'volui dicere,' 'dico,' and 'addo,' the word is not governed by this parenthetical verb, but is put in the case of the word which is corrected; and he gives several examples. The MSS. often vary in this matter, as we might expect.

14. *prisce*] 'in old fashion.' We may give it our own meaning. He opposes 'severe,' 'graviter,' 'prisce' to 'remisse,' 'leniter,' and 'urbane.' We know what Cicero's 'urbane' is. It contains a good deal of abuse.—'ex barbatis illis:' the old bearded men and long-haired. "Hunc et incomptis Curium capillis" says Horace (Ode i. 12). See the note on beards, In Cat. ii. 10, Vol. iii.; and add to that this reference to Varro, De R. R. ii. 11: "Omnino tonsores in Italia primum venisse ex Sicilia dicunt post R. C. A. CCCCLIIII, ut scriptum in publico Ardeae in literis exstat, eosque adduxisse P. Ticinium Menam. Olim tonsores non fuisse adsignificant antiquorum statuae, quod pleraeque habent capillum et barbam magnam." On the 'barbati' Manutius says, "though men shaved in Cicero's time, still very young men, particularly the looser sort, took delight sometimes in their first little beard, and did not immediately lay it aside." Cicero (Ad Att. i. 14): "concursabant barbatuli juvenes . . . duce filiola Curionis."

imaginibus] See Vol. i. Index. Manutius observes that every 'statua' is an 'imago,' but every 'imago' is not a statue; "for an 'imago' is even 'picta;' it may be on a stone, or cut on a ring." It is any likeness, even an echo, as in Horace (Carm. i. 12); but it has a special meaning here.

Caecus] The blind Appius Claudius, the censor. "Quattuor robustos filios, quinque filias, tantam domum, tantas clientelas Appius regebat et caecus et senex" (Cic. De Sen. c. 11). This vigorous old man was the father of Roman oratory (Meyer, Orat. Rom. Frag. p. 1, &c.).

Non patrem] Her father was Ap. Claudius Pulcher, who was consul with P. Servilius Isauricus, B.C. 79 (De Harusp. Resp. c. 1, Vol. iii.).

The patruus was C. Claudius Pulcher, the colleague in the consulship of M. Perpenna, B.C. 92.

The avus was C. Claudius Pulcher, the colleague of M. Perpenna, B.C. 130.

The proavus was C. Claudius Pulcher, consul with T. Sempronius Gracchus, B.C. 177.

The abavus, who is not mentioned here, is Appius Claudius Caecus, mentioned by Cicero, De Senectute.

The atavus was P. Claudius Pulcher, the consul with L. Junius Paullus, B.C. 249.

This is the explanation of Andreas Scotus, which I do not vouch for, nor is it true.

This pedigree of Clodia is thus given in the Dict. Hist.: App. Claudius Pulcher (pater), App Claudius Pulcher (avus), App. Claudius Pulcher (proavus), Appius Claudius Pulcher (abavus), Appius Claudius Pulcher, consul B.C. 212 (atavus), P. Claudius Pulcher, consul B.C. 249 (tritavus); and this P. Claudius was the son of Caecus, censor B.C. 312.

audieras consules fuisse? Non denique modo te Q. Metelli matrimonium tenuisse sciebas, clarissimi ac fortissimi viri patriaeque amantissimi? qui simul ac pedem limine extulerat, omnes prope cives virtute, gloria, dignitate superabat? Quum ex amplissimo genere in familiam clarissimam nupsisses, cur tibi Caelius tam conjunctus fuit? Cognatus? affinis? viri tui familiaris? Nihil horum. Quid igitur fuit nisi quaedam temeritas ac libido? Nonne te, si nostrae imagines viriles non commovebant, ne progenies quidem mea, Quinta illa Claudia, aemulam domesticae laudis in gloria muliebri esse admonebat? non virgo illa Vestalis Claudia, quae patrem complexa triumphantem ab inimico tribuno plebei de curru detrahi passa non est? Cur te fraterna vitia potius quam bona paterna et avita et usque a nobis quum in viris tum etiam in feminis repetita moverunt? Ideone ego pacem Pyrrhi diremi ut tu amorum turpissimorum quotidie foedera ferires? ideo aquam adduxi ut ea tu inceste

Orelli gives the pedigree thus—

Appius Claudius Caecus Cos. 447 and 458 Tritavus

P. (al. App.) Claudius Pulcher Cos. 505 Atavus

App. Claudius Pulcher Cos. 542 Abavus

C. Claudius Pulcher Cos. 577 Proavus

C. Claudius Pulcher Lentulus Cos. 624 Avus

App. Claudius Pulcher Cos. 675 Pater Clodiae.

There appears to be no other patruus than C. Claudius Pulcher Cos. 662, who is called the patruus of the tribune P. Clodius in the De Harusp. Resp. c. 12.

Appius Claudius Pulcher Cos. 542 Abavus Clodiae

App. Claudius Pulcher Cos. 569 Patruus major Clodiae

App. Claudius Pulcher Cos. 611

C. Claudius Pulcher Cos. 662

———

Appius Claudius Pulcher Cos. 542 Abavus Clodiae

C. Claudius Pulcher Cos. 577 Proavus

C. Claudius Pulcher Lentulus Cos. 624 Avus

App. Claudius Pulcher Cos. 675 Pater.

This C. Claudius Cos. 662 was the 'nepos patrui majoris Clodiae;' and as there was no name for this degree of consanguinity, he is called her 'patruus.'

modo te] Her husband, Q. Caecilius Metellus Celer, who was praetor B.C. 63, in Cicero's consulship, and died in B.C. 59.—'simul ac pedem limine:' as soon as he appeared in the forum, from his earliest age of manhood; as Weiske explains it.—'Quinta illa:' the story of this woman who proved her chastity is told in the De Harusp. Resp. c. 13.—'Vestalis Claudia:' said to be the daughter of App. Claudius Pulcher, consul B.C. 143. Suetonius (Tib. c. 2) says she was the sister of the consul, but Valerius Maximus (v. 4, 6) agrees with Cicero.

pacem Pyrrhi] "Ad App. Claudii senectutem accedebat etiam ut caecus esset; tamen is, quum sententia Senatus inclinaret ad pacem cum Pyrrho foedusque faciendum, non dubitavit dicere illa quae versibus persecutus est Ennius:

'Quo vobis mentes, rectae quae stare solebant
Antehac, dementes sese flexere viai?'

Caeteraque gravissime: notum enim vobis carmen est; et tamen ipsius Appii extat oratio" (De Sen. c. 6).

Cicero's antithesis between the 'pax' of Pyrrhus and the 'foedera' of Clodia is not worth much.

aquam] The aqueduct called the Aqua Claudia. "Appia (aqua) M. Valerio Maximo P. Decio Murena Coss. anno xx post initium Samnitici belli inducta est ab Appio Claudio Crasso Censore, cui postea Caeco fuit cognomen, qui et Viam Appiam a porta Capena usque ad urbem Capuam muniendam curavit." Frontinus, De Aquaeductibus, Lib. i.

Clodia used the water which her ancestor brought to Rome, but she used it 'inceste,' the meaning of which may easily be guessed. Casaubon has a note on the matter (Ep. ad Att. i. 16).

uterere? ideo viam munivi ut eam tu alienis viris comitata celebrares?

XV. **Sed quid ego, judices, ita gravem personam induxi ut etiam verear ne se idem Appius repente convertat et Caelium incipiat accusare illa sua gravitate censoria? Sed videro hoc posterius, atque ita, judices, ut vel severissimis disceptatoribus M. Caelii vitam me probaturum esse confidam. Tu vero mulier, jam enim ipse tecum nulla persona introducta loquor, si ea quae * * probare cogitas, rationem tantae familiaritatis, tantae consuetudinis, tantae conjunctionis reddas atque exponas necesse est. Accusatores quidem libidines, amores, adulteria, Baias, actas, convivia, comissationes, cantus, symphonias, navigia jactant, idemque significant nihil se te invita dicere.** Quae tu, quoniam mente nescio qua effrenata atque praecipiti in forum deferri judiciumque voluisti, aut diluas oportet ac falsa esse doceas, aut nihil neque crimini tuo neque testimonio credendum esse fateare. Sin autem urbanius me agere mavis, sic agam tecum: removebo illum senem durum ac paene agrestem; ex istis tuis sumam aliquem ac potissimum minimum fratrem, qui est in isto genere urbanissimus; qui te amat plurimum, qui propter nescio quam, credo, timiditatem et nocturnos quosdam inanes metus tecum semper pusio cum majore sorore cubitavit. Eum putato tecum loqui: Quid tumultuaris, soror? quid insanis?

"Quid clamore exorsa verbis parvam rem magnam facis?"

celebrares] 'frequent,' 'use.' Another antithesis; and a poor one.

15. *personam*] 'a personage,' 'a character;' old Appius Caecus. This is a common use of 'persona.'

*quae * * probare*] "Inter 'quae' et 'probare' librarius qui codicem P exaravit, spatium vacuum unius versus et dimidii reliquit; lacuna manu alia, sed vetere his verbis ineptis expleta est: 'facis quae dicis, quae in sororem tuam moliris quae argumenta,' ut item G habet" (Halm).

Baias, actas] They speak of Baiae, of the sea shores (actae), where the luxurious Romans enjoyed themselves. E. G. S. have 'acta.' 'Acte' (ἀκτή) is a Greek word. "Tametsi in acta cum mulierculis jacebat ebrius" (Verr. ii. 5, c. 25, Vol. i.).—'symphonias:' "quum in eis conviviis symphonia caneret" (Verr. ii. 3, c. 44, and the note; Vol. i.).

Seneca (Ep. 51): "Quidni malit quisquis vir est somnum suum classico quam symphonia rumpi? Sed satis diu cum Baiis litigavimus, numquam satis cum vitiis."

ex istis tuis] Madvig's conjecture. The MSS. have 'ex is igitur' or 'ex his igitur tuis.'

minimum] P. Clodius was the youngest of the three brothers. Cicero now gives us a sample of his 'urbanitas.' Nothing could be coarser.—'pusio:' 'a young boy,' who is supposed to be afraid to sleep alone, and so he sleeps with his sister who is older than himself. Cicero has an obscene meaning:

"Nonne putas melius quod tecum pusio dormit?" &c. (Juvenal vi. 34.)

Quid clamore] "Hunc versum comicum esse primus vidit Beierus ad Cic. Off. i. p. 173" (Halm). Spengel assigns it to Caecilius Statius (Caecilii Statii Fragm. p. 9).—'ad Tiberim:' he represents the woman as having a garden (horti) on the Tiber, in which she could see the young men bathing, and she could choose among them. 'Conditio' or 'conditiones' means both a marriage bargain, and a bargain between any

Vicinum adolescentulum aspexisti: candor hujus te et proceritas vultus oculique pepulerunt: saepius videre voluisti: fuisti nonnumquam in iisdem hortis; vis nobilis mulier illum filium familias patre parco ac tenaci habere tuis copiis devinctum: non potes: calcitrat, respuit, non putat tua dona esse tanti. Confer te alio. Habes hortòs ad Tiberim, ac diligenter eo loco parasti, quo omnis juventus natandi caussa venit. Hinc licet conditiones quotidie legas. Cur huic qui te spernit molesta es?

XVI. Redeo nunc ad te, Caeli, vicissim, ac mihi auctoritatem patriam severitatemque suscipio: sed dubito quem patrem potissimum sumam; Caecilianumne aliquem vehementem atque durum?

"Nunc enim demum mi animus ardet, nunc meum cor cumulatur ira."

Aut illum, — —

"O infelix, o sceleste" — —

Ferrei sunt isti patres: "Egone quid dicam? egone quid velim? Quae tu omnia tuis foedis factis facis, ut nequiquam velim:" vix ferendi. Diceret talis pater: "Cur te in istam vicinitatem meretriciam contulisti? Cur illecebris cognitis non refugisti? Cur alienam ullam mulierem nosti? Dide ac dissice, per me licebit. Si egebis, tibi dolebit, mihi sat est qui aetatis quod reliquum est oblectem meae." Huic tristi ac derecto seni responderet Caelius, se nulla cupiditate inductum de via decessisse. Quid signi? Nulli sumptus, nulla jactura, nulla versura.—At fuit fama.—Quotus

man and a woman for intercourse. Terence (Andria i. 1. 49) says,

"Sed postquam amans accessit pretium pollicens—
Accepit conditionem, dein quaestum occipit;"

and Ovid (Heroid. xxi. 131),

"Cogere cur potius quam persuadere volebas,
Si poteram audita conditione capi?"

Julius Capitolinus (Antonin. Phil. c. 19) uses the same word when he is speaking of Faustina's amours: "Faustinam satis constat apud Caietam conditiones sibi et nauticas et gladiatorias elegisse."

16. *Caecilianumne patrem*] Some character of a father from a comedy of Caecilius, of whom Horace says (Ep. ii. 1, v. 59):

"Vincere Caecilius gravitate, Terentius arte."

Dide ac dissice] Puteanus (Halm). "Placet acutissima viri docti conjectura, ut sit 'dide ac dissice'" (Hotmann). The reading 'dide et disce' is not intelligible. Puteanus explains 'dissicere' to be a compound of 'dis' and the form 'seca-re.' Forcellini has the verb 'dissicio' in his Lexicon.

"Dispertita procul dubio quoque vis animai
Et discissa simul cum corpore dissicietur." (Lucret. iii. 638.)

The father says, 'scatter, waste, squander your property. You may for me . . . I have enough wherewith to console the few years that remain to me of life.' 'Qui' is a form of the ablative equivalent to 'quo.'

derecto] 'derecto' P. Halm, 'directo' E. G.

"At simulacra viis derectis omnia tendunt," (Lucretius iv. 609,)

where Lachmann says: "sed imperiti est scribere *directis*, Wakefieldio solo dignum *de rectis*." This 'derectus senex' is a rigid old fellow.

quisque est qui istam effugere potest in tam maledica civitate? Vicinum ejus mulieris miraris male audisse, cujus frater germanus sermones iniquorum effugere non potuit? Leni vero et clementi patri, cujusmodi ille est,

"Fores effregit; restituentur: discidit
Vestem; resarcietur,"—

filii caussa est expeditissima. Quid enim esset in quo se non facile defenderet? Nihil jam in istam mulierem dico: sed, si esset aliqua dissimilis istius, quae se omnibus pervulgaret, quae haberet palam decretum semper aliquem, cujus in hortos, domum, Baias jure suo libidines omnium commearent, quae etiam aleret adolescentes, et parsimoniam patrum suis sumptibus sustentaret; si vidua libere, proterva petulanter, dives effuse, libidinosa meretricio more viveret, adulterum ego putarem, si quis hanc paullo liberius salutasset?

XVII. Dicet aliquis: Haec est igitur tua disciplina? sic tu instituis adolescentes? ob hanc caussam tibi hunc puerum parens commendavit et tradidit, ut in amore atque voluptatibus adolescentiam suam collocaret, et ut hanc tu vitam atque haec studia defenderes?—Ego,—si qui, judices, hoc robore animi atque hac indole virtutis atque continentiae fuit, ut respueret omnes voluptates omnemque vitae suae cursum in labore corporis atque in animi contentione conficeret; quem non quies, non remissio, non aequalium studia, non ludi, non convivia delectarent; nihil in vita expetendum putaret, nisi quod esset cum laude et cum dignitate conjunctum—hunc mea sententia divinis quibusdam bonis instructum atque ornatum puto.

in tam maledica civitate] See Pro Flacco, c. 3, note, Vol. iii. Halm writes 'qui istam effugere possit.' The MSS. have 'potest,' but 'possit' is certainly the proper form here.—'cujusmodi ille est:' such as that father is in Terence (Adelphi, Act. i. Sc. 2, v. 40), from whom the words 'Fores effregit,' &c. are quoted. Abrami, whose learning is profuse on all such matters as these, says, "Frequentes hujusmodi nugae ut apud Terentium, Eunuch. Act. iv. Sc. 3,

"Vestem omnem miserae discidit, tum
ipsam capillo conscidit."

The women would not think this to be 'nugae.' On the breaking open of doors he is also learned. It was done, 'ferro aut etiam facibus admotis,' but he prudently adds that it was more commonly done by kicking and with stones. (See Hor. C. iii. 26.)

aliqua dissimilis] He supposes some lewd woman, unlike Clodia; but still he means Clodia.—'decretum:' Garatoni proposed to read 'delectum.' But 'decretum' means the same, some man whom she had fixed on.—'Baias:' this was a name for any luxurious place. Pantagathus altered 'Baias' to 'balneas,' which is ingenious, as Ursini says, but it is not necessary.—'jure suo:' freely, of full right, there being nobody or nothing to hinder.—'vidua:' a single woman, one who had no husband, and also one who had never had one. But he means Clodia, who was a widow.

17. *sic instituis*] 'Instituere' is said of him who forms and fashions another by his precept and example. It is a common word in this sense.

divinis quibusdam] He has been speaking after the fashion of a Stoic. Their doctrine that a good disposition is the gift of God is pronounced by a commentator to be

Ex hoc genere illos fuisse arbitror, Camillos, Fabricios, Curios, omnesque eos qui haec ex minimis tanta fecerunt. Verum haec genera virtutum non solum in moribus nostris, sed vix jam in libris reperiuntur. Chartae quoque, quae illam pristinam severitatem continebant, obsoleverunt; neque solum apud nos, qui hanc sectam rationemque vitae re magis quam verbis secuti sumus, sed etiam apud Graecos, doctissimos homines, quibus, quum facere non possent, loqui tamen et scribere honeste et magnifice licebat, alia quaedam mutatis Graeciae temporibus praecepta exstiterunt. Itaque alii voluptatis caussa omnia sapientes facere dixerunt, neque ab hac orationis turpitudine eruditi homines refugerunt: alii cum voluptate dignitatem conjungendam putaverunt, ut res maxime inter se repugnantes dicendi facultate conjungerent. Illud unum directum iter ad laudem cum labore qui probaverunt, prope soli

Christian. A passage of Seneca (Ep. 73) also is quoted, and another (Ep. 41): "Prope est a te Deus: tecum est; intus est. Ita dico, Lucili: sacer intra nos spiritus sedet, malorum bonorumque nostrorum observator et custos: hic prout a nobis tractatus est, ita nos ipse tractat: bonus vir sine Deo nemo est. An potest aliquis supra fortunam nisi ab illo adjutus exsurgere? ille dat consilia magnifica et erecta."

Ex hoc genere] This was a kind of 'locus communis.' These were the great worthies of Rome's heroic age:

> "Gratus insigni referam Camena
> Fabriciumque:
> Hunc et incomptis Curium capillis
> Utilem bello tulit et Camillum
> Saeva paupertas."
> (Horace, Carm. i. 12.)

—'qui haec ex minimis:' who made Rome great. The beginnings of Rome were very small: that fact is certain. And she became great and powerful; a proof that her early people were superior to their neighbours.

Chartae] 'writings,' 'books' which contained that antient strictness have become obsolete. It is not easy to say what books he means, perhaps none at all. It is merely a way of speaking; for he says that the Romans followed this way of life 're magis quam verbis.' Some commentators however find something appropriate in the word 'chartae,' and as they may be right, they should be heard. Klotz following Orelli says: "Orelli has very correctly pointed to the reason why Cicero here does not say 'libri,' which we think of as being rather in people's hands, but 'chartae,' dead papers, which at most are still preserved here and there, and for once are looked at out of curiosity. In Cicero's language every word paints!"

quum facere non possent] Not being able to do such things as our men did (Manutius). But, as he says 'mutatis Graeciae temporibus,' he seems to mean that after the great age of Athens was passed, the great age of acting, the Athenians came to talking and writing only.

voluptatis caussa] He alludes to Aristippus and the Cyrenaici, and more particularly perhaps to Epicurus; but Aristippus meant sensual pleasure, and Epicurus tranquillity and peace of mind. Seneca (De Beata Vita, c. 13) says: "quam nos virtute legem dicimus, eam ipse dicit voluptate; jubet ille parere naturae; parum autem est luxuriae quod naturae satis est." Cicero says: "esse quendam Athenis qui se sapientem profiteretur; eumque dicere omnia quae faceremus ad voluptatem esse referenda" (Cic. De Sen. c. 13).

dignitatem] I suppose 'dignitas' is here the same as 'virtus;' for Cicero says elsewhere "voluptas maxime est inimica virtuti." Manutius refers to Calliphon's opinions (Cic. De Fin. ii. 6): "Calliphon adjunxit ad honestatem voluptatem." Cicero often mentions Calliphon and his doctrine; and (De Off. iii. 3) he condemns Calliphon and Dinomachus, "qui se dirempturos controversiam putaverunt, si cum honestate voluptatem tamquam cum homine pecudem copulavissent." If we had the philosopher's work, we might have a clearer notion what he meant to say, what in fact he meant by 'voluptas.' Seneca as usual has some fine talk on the enmity between pleasure and virtue (De Beata Vita, c. 7).

jam in scholis sunt relicti. Multa enim nobis blandimenta natura ipsa genuit, quibus sopita virtus conniveret interdum: multas vias adolescentiae lubricas ostendit, quibus illa insistere aut ingredi sine casu aliquo aut prolapsione vix posset; multarum rerum jucundissimarum varietatem dedit, qua non modo haec aetas, sed etiam jam corroborata caperetur. Quamobrem si quem forte inveneritis qui aspernetur oculis pulchritudinem rerum, non odore ullo, non tactu, non sapore capiatur, excludat auribus omnem suavitatem, huic homini ego fortasse et pauci deos propitios, plerique autem iratos putabunt. XVIII. Ergo haec deserta via et inculta atque interclusa jam frondibus et virgultis relinquatur; detur aliqui ludus aetati; sit adolescentia liberior; non omnia voluptatibus denegentur: non semper superet vera illa et derecta ratio; vincat aliquando cupiditas voluptasque rationem, dummodo illa in hoc genere praescriptio moderatioque teneatur: pareat juventus pudicitiae suae, ne spoliet alienam, ne effundat patrimonium, ne foenore trucidetur, ne incurrat in alterius domum atque famam; ne probrum castis, labem integris, infamiam bonis inferat; ne quem vi terreat, ne intersit insidiis, scelere careat: postremo, quum paruerit voluptatibus, dederit aliquid temporis ad ludum aetatis atque ad inanes hasce adolescentiae cupiditates, revocet se aliquando ad curam rei domesticae, rei forensis, reique publicae; ut ea quae ratione antea non perspexerat, satietate abjecisse, experiendo contempsisse videatur.

Ac multi et nostra et patrum majorumque memoria, judices, summi homines et clarissimi cives fuerunt, quorum quum adolescentiae cupiditates defervissent, eximiae virtutes firmata jam aetate exstiterunt. Ex quibus neminem mihi necesse est nominare; vos-

qui aspernetur] When a man has got to this point, to shut his eyes to the beauty of things, and to enjoy none of the sensations of which his being is composed, he is, as Aristotle says (Eth. Nicom. iii. c. 11), far from being a human creature. But he remarks: "those who are deficient in the enjoyment of pleasures and take less delight in them than is right, are not very many." Cicero's foolish talk would fit one of the old ascetics, St. Antony with his goat skin. Such a man, says Cicero, himself, perhaps, and a few would look on as the favourite of the gods, but most people will think that he is not. And they will think right. Abrami quotes Horace (Sat. ii. 3, v. 122):

"Filius aut etiam haec libertus ut ebibat heres,
Dis inimice senex, custodis ne tibi desit,"

to explain 'deos propitios.'

18. *aliqui ludus*] T. 'aliquid' P. E. G. See c. 12.—'derecta' P. 'directa' Codd. rell. (Halm.) See c. 16, note. But Halm keeps 'directum' (c. 17). I suppose that 'derectus' is the genuine form.—'illa . . . praescriptio:' the rules, which he is going to mention, and certainly they are very reasonable rules to observe. Bake proposes to write 'teneatur, ut pareat.'

defervissent] 'deferbuissent' (Halm). Terence (Adelphi i. 2, 72):

"Speraham jam defervisse adolescentiam."

Cicero (De Sen. c. 13) says: "Erat quidam fervor aetatis, qua progrediente omnia fiunt in dies mitiora."

necesse est] 'libet,' Madvig, Halm; 'liquet' P. 'necesse est' E. G. S. Klotz

met vobiscum recordamini. Nolo enim cujusquam fortis atque illustris viri ne minimum quidem erratum cum maxima laude conjungere, quod si facere vellem, multi a me summi atque ornatissimi viri praedicarentur, quorum partim nimia libertas in adolescentia, partim profusa luxuries, magnitudo aeris alieni, sumptus, libidines nominarentur; quae multis postea virtutibus obtecta adolescentiae qui vellet excusatione defenderet. XIX. At vero in M. Caelio, dicam enim jam confidentius de studiis ejus honestis, quoniam audeo quaedam fretus vestra sapientia libere confiteri, nulla luxuries reperietur, nulli sumptus, nullum aes alienum, nulla conviviorum ac lustrorum libido: quod quidem vitium ventris et gurgitis non modo non minuit aetas hominibus, sed etiam auget. Amores autem, et hae deliciae quae vocantur, quae firmiore animo praeditis diutius molestae non solent esse, mature enim et celeriter deflorescunt, numquam hunc occupatum impeditumque tenuerunt. Audistis quum pro se diceret, audistis antea quum accusaret—defendendi haec caussa, non gloriandi eloquor;—genus orationis, facultatem, copiam sententiarum atque verborum, quae vestra prudentia est, perspexistis. Atque in eo non solum ingenium elucere ejus videbatis; quod saepe, etiamsi industria non alitur, valet tamen ipsum suis viribus; sed inerat, nisi me propter benevolentiam forte fallebat,

says that 'liquet' is the reading of the best MSS.; but Halm mentions only one MS. Klotz thinks that 'liquet' expresses Cicero's thought very exactly, and that 'necesse est' clearly betrays the amending or emending hand. He proves that 'liquet' may be used with an infinitive; and that is something.

"Illum liquet mi dejerare his mensibus
Sex septem prorsum non vidisse proxumis." (Ter. Eun. ii. 31, 39.)

Cicero does not name these wild young fellows who afterwards turned out well. One L. Flaccus is mentioned by Livy (27. c. 8) who laid aside his bad habits and became a good man. There was a tradition, says Gellius (vi. 8), that the great P. Scipio Africanus Major "fama, quum esset adolescens, haud sincera fuisse." Polybius (x. 19), who tells a story about his continence, when he was commander in Spain, adds that it was known φιλογύνην ὄντα τὸν Πόπλιον.

19. *lustrorum*] Horace (Sat. i. 6, v. 68):

"Si neque avaritiam neque sordes ac mala lustra
Objiciet quisquam vere mihi."

Festus Pompeius quoted by Abrami:

"Lustra significat lacunas lutosas, quae sunt in silvis aprorum cubilia, a qua similitudine ii qui in locis abditis sordidis ventri et desidiae operam dant, dicuntur in lustris vitam agere." He who spends his life in taverns and pot-houses 'dicitur in lustris vitam agere.'—'gurgitis:' P. E. G. S. There is a reading 'gutturis' in Col., and it appears in some texts of Cicero.

quum pro se diceret] When he was speaking in defence of himself in this case. Quintilian (xi. 1, 51) quotes a few of Caelius' words: "ne cui vestrum atque etiam omnium qui ad rem agendam adsunt meus aut vultus molestior aut vox immoderatior aliqua, aut denique, quod minimum est, jactantior gestus fuisse videatur."—'eloquor:' "clare ac palam loquor" (Orelli).

genus orationis] Cicero (Brutus, c. 79) has a passage on the oratory of Caelius: "graves ejus contiones aliquot fuerunt, acres accusationes tres, eaeque omnes ex rei publicae contentione susceptae; defensiones, etsi illa erant in eo meliora quae dixi, non contemnendae tamen saneque tolerabiles."

ratio et bonis artibus instituta, et cura et vigiliis elaborata. Atque scitote, judices, eas cupiditates quae objiciuntur Caelio, atque haec studia de quibus disputo, non facile in eodem homine esse posse. Fieri enim non potest ut animus libidini deditus, amore, desiderio, cupiditate, saepe nimia copia, inopia etiam nonnumquam impeditus, hoc quidquid est quod nos facimus in dicendo, non modo agendo, verum etiam cogitando possit sustinere. An vos aliam caussam esse ullam putatis cur in tantis praemiis eloquentiae, tanta voluptate dicendi, tanta laude, tanta gratia, tanto honore, tam sint pauci semperque fuerint, qui in hoc labore versentur? Obterendae sunt omnes voluptates; relinquenda studia delectationis; ludus, jocus, convivium, sermo paene est familiarium deserendus. Quae res in hoc genere homines a labore studioque dicendi deterret, non quo aut ingenia deficiant aut doctrina puerilis. An hic, si sese isti vitae dedisset, consularem hominem admodum adolescens in judi-

inopia etiam] He says first 'saepe nimia copia,' 'often from excessive means of enjoyment;' and excess may be followed by 'inopia,' want of the means of enjoyment. But this is not exactly what he means. A man of pleasure is hindered from following other pursuits by enjoyment, when he has the means (copia), and by looking for the means, when he has not got them.—'quod nos facimus,' &c.: "quod nos facimus in dicendo, quoquo *modo facimus, non* modo agendo," Halm, following Madvig. He means to say that no man who is given to pleasure can sustain the part of an orator, as Cicero himself did, whatever may be the worth of Cicero's oratorical power; such a man cannot sustain even the mental labour of the orator, to say nothing of the bodily exertion (non modo agendo).

An vos aliam] He says in his treatise De Oratore (i. 4 and 5), that the number of great orators had been small; and the reason that he assigns for this scarcity is the difficulty of the thing. And this is true, for most oratory is, as he says, "verborum volubilitas inanis atque irridenda." A readiness in uttering words is a vulgar power, and may be acquired by most people. But to speak well, to say on any given matter what is proper and no more; and to say it clearly, forcibly, and in such way as to convince and persuade is an art as rare as the art of writing well, and perhaps much more difficult to acquire. Cicero in his treatise De Oratore and in the Brutus has a good deal about the study of eloquence. Like many of the finer arts it belonged to an age that is past; and if it is ever to be revived, we must labour at it as the Greeks and Romans did.

tanta voluptate] There is a reading 'tanta voluntate' E., which would mean 'when so many are willing to speak.' But I suppose he means by 'tanta voluptate dicendi,' 'when people take so much pleasure in oratory,' in listening to it.

Quae res in hoc genere, &c.] The reading of S. Halm following Madvig has, 'Quare in hoc genere labor offendit homines a studioque deterret,' which is the reading of P. E. G. with a slight alteration. —'doctrina puerilis:' boys were taught their rhetoric at school; but such teaching will not make an orator, though it may help. Orelli begs us to observe how Tullius in the republican time speaks of this school instruction as of less value than the practice in the forum, whereas under the empire rhetorical teaching was every thing.—Oratory exists only in a free state; but it does not exist because a state is free; of which we have proof enough. Two things must exist in order that eloquence may exist, political freedom and a laborious study of oratory. Political freedom alone only produces talk.— 'dedisset:' 'dedidisset,' Halm.

consularem hominem] Cicero's former colleague C. Antonius, whom Caelius prosecuted B.C. 59. Quintilian (Inst. iv. 2, 123) quotes a passage from Caelius' speech, in which he describes the profligate habits of the man on some foreign service. John of Salisbury (Policraticus sive De Nugis Curialium, viii. c. 13) has the same passage, no doubt taken from Quintilian, though he does not say so.

cium vocavisset? hic, si laborem fugeret, si obstrictus voluptatibus teneretur, in hac acie quotidie versaretur, appeteret inimicitias, in judicium vocaret, subiret periculum capitis ipse, inspectante populo Romano tot menses aut de salute aut de gloria dimicaret? XX. Nihil igitur illa vicinitas redolet, nihil hominum fama, nihil Baiae denique ipsae loquuntur? Illae vero non loquuntur solum, verum etiam personant: huc unius mulieris libidinem esse prolapsam, ut ea non modo solitudinem ac tenebras atque haec flagitiorum integumenta non quaerat, sed in turpissimis rebus frequentissima celebritate et clarissima luce laetetur.

Verum si quis est qui etiam meretriciis amoribus interdictum juventuti putet, est ille quidem valde severus—negare non possum—sed abhorret non modo ab hujus saeculi licentia, verum etiam a majorum consuetudine atque concessis. Quando enim hoc factum non est, quando reprehensum, quando non permissum, quando denique fuit ut quod licet non liceret? Hic ego jam rem definiam: mulierem nullam nominabo: tantum in medio relinquam. Si quae non nupta mulier domum suam patefecerit omnium cupiditati,

periculum capitis] In this trial, says Manutius, and I think that he is right. Others suppose that Cicero alludes to the penalty of Calumnia. But Cicero adds 'aut de salute aut de gloria.' Garatoni says "that this trial in which Caelius had incurred this danger to his 'caput,' is mentioned by Cicero as voluntary, because Caelius had brought it on himself by accusing Atratinus twice."—'tot menses:' 'tot jam menses,' Lambinus, Halm.

20. *illa vicinitas*] The proximity of Clodia and Caelius, for Caelius lived on the Palatine near Clodia. On 'redolet' Manutius says "quasi odore quodam significat." No doubt it is a metaphor for the nose, and a very awkward one. Orelli has a good remark on it: "Tralatum est (the metaphor is) a nostro usu admodum alienum et eorum genere, in quibus attente circumspiciamus necesse est, quomodo conciliari possint cum nostri sermonis indole." But Latin metaphors frequently cannot be reconciled to the usage of modern languages, and this is precisely the reason why Latin is so difficult to translate. The Greek writers of the best time are easier to translate, because they have much less metaphor.—'haec flagitiorum integumenta:' the vest or covering which people usually put over their flagitia. The pronoun 'hic' is often used to express what is common or usual.

negare non possum] He does not dispute the moral principle which the 'severus' lays down; but he says that people do not observe it. So Terence, Adelphi (i. 2, v. 21):

"Non est flagitium, mihi crede, adolescentulum
Scortari neque potare."

fuit ut quod licet] It is singular that Ernesti found some difficulty here; and Garatoni thought it 'nitidius' if 'quod licet' was omitted; which would simply spoil Cicero's expression; who says "When, I ask, was it ever the case that what is permitted was not permitted?" Orelli gives an Italian translation: 'Quando mai fu che quel ch' è lecito lecito non fosse?' for 'Quando mai quel ch' è lecito non fu lecito?'

rem definiam] 'I will speak only of the fact, or of facts.' He will name nobody, but leave his hearers to judge to whom his words apply.—'in medio relinquam:' 'I will leave it to every man's judgment.' The Greeks said τιθέναι εἰς μέσον. Gellius (xvii. 2): "*Nos*, inquit, in *medium relinquemus*: vulgus in medio dicit. Nam vitium esse istuc putant, et si dicas in medium ponere, id esse soloecum putant. Sed probabilius significantiusque sic dici videbitur, si quis ea verba non incuriose introspiciat. Graece quoque θεῖναι ἐς μέσον, vitium id non est." Tacitus says 'in medium relinquam' (German. at the end).

palamque sese in meretricia vita collocarit, virorum alienissimorum conviviis uti instituerit; si hoc in urbe, si in hortis, si in Baiarum illa celebritate faciat; si denique ita sese gerat non incessu solum, sed ornatu atque comitatu, non flagrantia oculorum, non libertate sermonis, sed etiam complexu, osculatione, aquis, navigatione, conviviis, ut non solum meretrix, sed etiam proterva meretrix procaxque videatur; cum hac si quis adolescens forte fuerit, utrum hic tibi, L. Herenni, adulter an amator, expugnare pudicitiam an explere libidinem voluisse videatur? Obliviscor jam injurias tuas, Clodia; depono memoriam doloris mei; quae abs te crudeliter in meos me absente facta sunt negligo: ne sint haec in te dicta quae dixi. Sed ex te ipsa requiro, quoniam et crimen accusatores abs te, et testem ejus criminis te ipsam dicunt se habere; si quae mulier sit ejus modi, qualem ego paullo ante descripsi, tui dissimilis, vita institutoque meretricio, cum hac aliquid adolescentem hominem habuisse rationis num tibi perturpe aut perflagitiosum esse videatur? Ea si tu non es, sicut ego malo, quid est quod objiciant Caelio? Sin eam te volunt esse, quid est cur nos crimen hoc, si tu contemnis, pertimescamus? Quare nobis da viam rationemque defensionis. Nam aut pudor tuus defendet nihil a M. Caelio petulantius esse factum; aut impudentia et huic defendendum facultatem dabit.

gerat] 3 Oxonn. 'geret' P. E. G. Halm has properly preferred 'gerat,' because there is 'patefecerit,' &c.; and there is also 'faciat;' and in the apodosis there is 'videatur.'—'flagrantia oculorum:' an allusion to Clodia's fiery eyes. (De Harusp. Resp. c. 18, Vol. iii.)—'aquis:' Ernesti would write 'actis.' But there is no reason for this alteration. 'Aquis' is an allusion to Baiae. He says 'navigatione.' The lady had a barge or vessel for her pleasure. So Horace (Carm. iii. 1) speaks of the 'aerata triremis' of the rich man.—'meretrix:' "'meretrix, *sed etiam proterva meretrix* procaxque,' S. et Codd. aliquot deteriores. *sed etiam proterva meretrix* om. P. E. G. Illa lectio non ex cod. aliquo integriore deducta est, sed pro supplemento prudentis alicujus Itali habenda" (Halm).

The abundance of Abrami's learning on this passage about Clodia quite overwhelms us. He quotes every thing about women from all his stores. One passage may be worth referring to for its beauty, the description of Venus' charms in the Iliad (xiv. 214):

> ἦ καὶ ἀπὸ στήθεσφιν ἐλύσατο κεστὸν ἱμάντα
> ποικίλον· ἔνθα τέ οἱ θελκτήρια πάντα τέτυκται·
> ἔνθ' ἔνι μὲν φιλότης, ἐν δ' ἵμερος, ἐν δ' ὀαριστύς,
> πάρφασις, ἥ τ' ἔκλεψε νόον πύκα περ φρονεόντων.

injurias tuas] "*tuas* Arusianus (s. v. *obliviscor*) et Servius (Ad Aeneid. ii. 148): om. C. sed et in P. ante *clodia* aliquid erasum" (Halm). 'Tuas' seems to be wanted.—'me absente:' in his exile. See De Domo, c. 23, Pro Sestio, c. 24, where he speaks of what befel his family in his absence.

nobis da viam] 'Give us the way and the foundation for our defence.' Either maintain your character for chastity, or admit your licentiousness. Either way Caelius is safe. If you are an honest woman, there is nothing to say against him. If you are a prostitute, Caelius only used you as young men do other women of the kind.

et huic defendendum] This is the MSS. reading, but there is a variation 'defendendi.' The text is generally filled up thus: 'et huic et caeteris magnam ad se defendendum.' But it is an interpolation.

XXI. Sed quoniam emersisse jam e vadis et scopulos praetervecta videtur oratio mea, perfacilis mihi reliquus cursus ostenditur. Duo sunt enim crimina una in muliere summorum facinorum; auri, quod sumptum a Clodia dicitur, et veneni, quod ejusdem Clodiae necandae caussa parasse Caelium criminantur. Aurum sumpsit, ut dicitis, quod L. Lucceii servis daret, per quos Alexandrinus Dio, qui tum apud Lucceium habitabat, necaretur. Magnum crimen vel in legatis insidiandis, vel in servis ad hospitem domini necandum sollicitandis; plenum sceleris consilium, plenum audaciae. Quo quidem in crimine primum illud requiram, dixeritne Clodiae quam ad rem aurum tum sumeret an non dixerit. Si non dixit, cur dedit? Si dixit, eodem se conscientiae scelere devinxit. Tune aurum ex armario tuo promere ausa es? tune Venerem illam tuam spoliare ornamentis spoliatricem ceterorum, quum scires quantum ad facinus aurum hoc quaereretur, ad necem legati, ad L. Lucceii, sanctissimi hominis atque integerrimi, labem sceleris sempiterni? Huic facinori tanto tua mens liberalis conscia, tua domus popularis ministra, tua denique hospitalis illa Venus adjutrix esse non debuit. Vidit hoc Balbus: celatam esse Clodiam dixit atque ita Caelium ad illam

Halm suggests 'impudentia tua etiam huic ad defendendum.'

21. *e vadis*] Cicero often uses such a metaphor. The ship has got out of the shoal water, and past the rocks. It is now in open sea, and the course is clear.

in legatis insidiandis] This was a great crime. He says (Verr. ii. 1, c. 33) "Etenim nomen legati ejusmodi esse debet quod non modo inter sociorum jura sed etiam inter hostium tela incolume versetur;" and Caesar (B. G. iii. 9), "legatos, quod nomen ad omnes nationes sanctum inviolatumque semper fuisset."

Clodiae .. dixit, cur dedit] "P[1] spatio vacuo unius versus et dimidii post *clodiae* relicto, quod his verbis manu recentiore, suppletum est: *quam ad rem aurum tum iret an non dixerit? si non*, ut item est in E. G. Locus medio demum aevo suppletus videtur" (Halm).

armario] In her 'armarium' we must suppose that Clodia had a statue of Venus, adorned with what she got from her lovers. Petronius (Satyr. c. 29), "praeterea grande armarium in angulo vidi, in cujus aedicula erant Lares argentei positi, Venerisque signum marmoreum, et pyxis aurea non pusilla, in qua barbam ipsius esse conditam dicebant." The 'Venus spoliatrix' is the statue decorated with the 'spolia' which Clodia took from her lovers. There was no Venus Spoliatrix, but Cicero invents a name for the occasion. There was a Venus Genetrix, Victrix, Hospitalis, Adjutrix, and others. Orelli refers to his Latin Inscriptions, i. p. 281, for these various titles of Venus.

sempiterni] C. 'sempiternam' Pantagathus, Halm.

mens liberalis] He then speaks of 'domus popularis,' 'hospitalis illa Venus.' The last allusion is plain. Clodia's 'hospitable Venus' is her complaisance towards her lovers. Her house was 'popularis,' open to the 'populus,' which is not to a woman's credit. In the words 'mens liberalis' then we must look for a play on the word 'liber.'

Vidit hoc Balbus] Balbus saw this point. He saw the difficulty in the matter; and accordingly he said that Clodia was kept in ignorance (celatam) of the real purpose of the loan, and Caelius told her (ad illam attulisse) that he wanted it for the 'ludi.' But we do not know what Ludi these were. They were not the Ludi Aedilitii of Caelius, for he was not aedilis till B.C. 50. As to the 'ornatus ludorum' see Verr. ii. 1, c. 19, and the note, Vol. i. It is difficult to understand how Caelius could be charged with borrowing gold ornaments for such a purpose. He would want money, not gold which he was bound to return in the form in which he received it. One might sup-

attulisse se ad ornatum ludorum aurum quaerere. Si tam familiaris erat Clodiae quam tu esse vis, quum de libidine ejus tam multa dicis, dixit profecto, quo vellet aurum. Si tam familiaris non erat, non dedit. Ita si verum tibi Caelius dixit, o immoderata mulier, sciens tu aurum ad facinus dedisti: si non est ausus dicere, non dedisti.

XXII. Quid ego nunc argumentis huic crimini, quae sunt innumerabilia, resistam? Possum dicere mores M. Caelii longissime a tanti sceleris atrocitate esse disjunctos; minime esse credendum homini tam ingenioso tamque prudenti non venisse in mentem rem tanti sceleris ignotis alienisque servis non esse credendam. Possum etiam illa et ceterorum patronorum et mea consuetudine ab accusatore perquirere, ubi sit congressus cum servis Lucceii Caelius, qui ei fuerit aditus. Si per se, qua temeritate? Si per alium, per quem? Possum omnes latebras suspicionum peragrare dicendo. Non caussa, non locus, non facultas, non conscius, non perficiendi, non occultandi maleficii spes, non ratio ulla, non vestigium maximi facinoris reperietur. Sed haec quae sunt oratoris propria, quae mihi, non propter ingenium meum, sed propter hanc exercitationem usumque dicendi, fructum aliquem ferre potuissent, quum a me ipso elaborata proferri viderentur, brevitatis caussa relinquo omnia.

pose that he would raise money by pawning it. But Cicero says (c. 21) "aurum sumpsit . . . quod L. Lucceii servis daret," to give it to Lucceius' slaves; and one cannot suppose that any thing except money is meant by that.

Cicero concludes his chapter with a probable argument. If Caelius was so intimate with Clodia that she lent him her gold, whatever it was, it is very probable that she would know for what purpose this young man borrowed it.

22. *Quid ego nunc*] This is one of the usual rhetorical arguments. Caelius was not a man to do such a thing as he is charged with. A 'homo ingeniosus' does not go about committing a crime in a way which will insure detection.—'non caussa:' "causam appello rationem efficiendi" (Orator. Part. c. 32). He adds "Spectantur etiam ad caussam facti motus animorum, si ira recens, si odium vetus, si ulciscendi studium, si injuriae dolor: si honoris, si gloriae, si imperii, si pecuniae cupiditas: si periculi timor, si aes alienum, si angustiae rei familiaris: si audax, si levis, si crudelis, si impotens, si incautus, si insipiens, si amans, si commota mente, si vinolentus, si cum spe efficiendi, si cum opinione celandi, aut si patefactum esset depellendi criminis vel perrumpendi periculi vel in longinquum tempus differendi: aut si judicii poena levior quam facti praemium; aut si facinoris voluptas major quam damnationis dolor. His fere rebus facti suspicio confirmatur, quum et voluntatis in reo caussae reperiuntur et facultas."

elaborata] A. Augustinus. 'laborata' C. —'illa humanitate:' Manutius supposes that we may conclude from what he says of L. Lucceius that he is the same person to whom Cicero addresses a long letter (Ad Fam. v. 12) in which he asks him to write the history of Cicero's consulship. Hotmann who has the same opinion calls it 'nobilis Ciceronis epistola.' This letter contains the following passage: "Itaque te plane etiam atque etiam rogo ut et ornes ea vehementius etiam quam fortasse sentis, et in eo leges historiæ negligas." Lucceius wrote some speeches against Catilina. Cicero (Ad Fam. v. 12) speaks of Lucceius having at that time nearly finished a history of the Italic or Marsic, and of the Civil War. We do not know if this history was ever published, for no antient writer mentions it

Habeo enim, judices, quem vos socium vestrae religionis jurisque jurandi facile esse patiamini, L. Lucceium, sanctissimum hominem [et] gravissimum testem; qui tantum facinus in famam atque fortunas suas neque non audisset illatum a Caelio neque neglexisset neque tulisset. An ille vir, illa humanitate praeditus, illis studiis, artibus atque doctrina, illius ipsius periculum, quem propter haec ipsa studia diligebat, negligere potuisset? et quod facinus in alienum hominem intentum severe acciperet, id omisisset curare in hospitem? quod per ignotos actum si comperisset doleret, id a suis servis tentatum esse negligeret? quod in agris locisve publicis factum reprehenderet, id in urbe ac suae domi coeptum esse leniter ferret? quod in alicujus agrestis periculo non praetermitteret, id homo eruditus in insidiis doctissimi hominis dissimulandum putaret? Sed cur diutius vos, judices, teneo? ipsius jurati religionem auctoritatemque percipite atque omnia diligenter testimonii verba cognoscite. Recita testimonium L. Lucceii. Quid exspectatis amplius? an aliquam vocem putatis ipsam pro se caussam et veritatem posse mittere? Haec est innocentiae defensio, haec ipsius caussae oratio, haec una vox veritatis. In crimine ipso nulla suspicio est, in re nihil est argumenti: in negotio quod actum esse dicitur nullum vestigium sermonis, loci, temporis: nemo testis, nemo conscius nominatur: totum crimen profertur ex inimica, ex infami, ex crudeli, ex facinorosa, ex libidinosa domo; domus autem illa, quae tentata [esse] scelere isto nefario dicitur, plena est integritatis, dignitatis, officii, religionis: ex qua domo recitatur vobis jureju-

or quotes it. There are other letters of Cicero to Lucceius (Lib. v.); and a letter from Lucceius to Cicero (v. 14).

quem propter] Dion his friend was an Academic (Cic. Acad. ii. 4; Strabo, xvii. p. 796).—'intentum:' T. 'inlatum' P. G.—'in hospitem:' T., as Garatoni had conjectured. The other MSS. have 'in hospite,' which is the common reading in the texts. Halm has 'in hospitem'—'leniter:' T. P. E. G. S. 'leviter' generally in the printed texts. These two words are often confounded; and it is often difficult to decide which is the true word.

Recita testimonium] The evidence of Lucceius was a deposi ion taken down in writing and given on oath (ipsius jurati). It is not said why he was not present. But it seems that he was in Sardinia: "Lucceium convenire non potueram, quod abfuerat. Videre autem volebam, quod eram postridie Roma exiturus et quod ille in Sardiniam iter habebat.—Erat autem iturus, ut aiebat, a. d. III Id. Apr. ut aut Labrone aut Pisis conscenderet" (Ad Q. Fr. ii. 6). This letter was written B.C. 56 (consul est egregius Lentulus), the same year in which this speech was delivered.

Drumann (Geschichte Roms ii. 377) has a note on the year in which this speech was delivered: "Caelius was also tried in B.C. 54 before a praetor (Cn.) Domitius (Ahenobarbus) (Ad Q. Fr. ii. 13) and both Manutius in his note on this passage and Pighius confound these two trials. They assume that Cicero delivered this speech for Caelius in B.C. 54. But the evidence is that he delivered it in B.C. 56, while M. Crassus was still in Rome, a few days after the acquittal of Sex. Clodius (Pro Caelio, c. 32; Ad Q. Fr. ii. 6), consequently in the consulship of Lentulus Marcellinus and Philippus." This being so, the absence of Lucceius is explained, and we have in his voyage to Sardinia an additional proof that this speech was delivered in B.C. 56.

rando devincta auctoritas; ut res minime dubitanda in contentione ponatur, utrum temeraria, procax, irata mulier finxisse crimen, an gravis, sapiens moderatusque vir religiose testimonium dixisse videatur.

XXIII. Reliquum est igitur crimen de veneno, cujus ego neque principium invenire neque evolvere exitum possum. Quae fuit enim caussa quamobrem isti mulieri venenum vellet dare Caelius? Ne aurum redderet? num petivit? Ne crimen haereret? num quis objecit? num quis denique fecisset mentionem, si hic nullius nomen detulisset? Quin etiam Herennium dicere audistis, verbo se molestum non futurum fuisse Caelio, nisi iterum eadem de re suo familiari absoluto nomen hic detulisset. Credibile est igitur tantum facinus ob nullam caussam esse commissum? et vos non videtis fingi sceleris maximi crimen, ut alterius caussa sceleris suscipiendi fuisse videatur? Cui denique commisit? quo adjutore usus est? quo socio? quo conscio? cui tantum facinus, cui se, cui salutem suam credidit? Servisne mulieris? sic enim objectum est. Et erat tam demens hic, cui vos ingenium certe tribuitis, etiamsi cetera inimica oratione detrahitis, ut omnes suas fortunas alienis servis committeret? At quibus servis? refert enim magno opere id ipsum; iisne quos intelligebat non communi conditione servitutis uti, sed licentius, liberius, familiarius cum domina vivere? Quis enim hoc non videt, judices, aut quis ignorat, in ejusmodi domo, in qua materfamilias meretricio more vivat, in qua nihil

23. *Quae fuit enim caussa*] In a 'res conjecturalis,' when there is not sufficient evidence to prove a fact, we ask what could be the man's motive for committing a crime with which he is charged; for people do not commit a crime without a 'caussa,' without something which moves them to it. See Pro Sex. Roscio Amerino, c. 30, the passage "Sic vita hominum est."

num petivit] Did Clodia ask for the restoration of the 'aurum?' If she did not, the 'aurum' could be no motive to the crime.—'ne crimen haereret?' 'was it lest the charge or a charge should be fixed on him?' So Terence says "in te omnis haeret culpa sola." But what crimen does Cicero mean? Ferratius says it is the charge of having procured Dion's assassination, for which it was alleged (c. 21) that Caelius got the gold from Clodia. Caelius is charged with attempting to poison Clodia. Well, says Cicero, what was his motive? Was it to avoid repayment? It was not. Was it to avoid the charge of procuring Dion's assassination? Why, that charge was never heard of till Caelius prosecuted Atratinus.

nullius] T., the true reading: 'nemini,' codd. rell. (Halm). Pantagathus proposed 'neminis,' which shows that he understood Cicero. The words 'nisi . . . nomen hic detulisset' show what is meant.

alterius caussa] S. 'caussa' om. P. E. G. Halm writes '*causa* alterius.' They invent the charge of an attempt to poison Clodia (sceleris maximi crimen), that there may seem to be a 'caussa' for the other crime, for keeping the money. So Manutius explains it. But that is not the meaning. Cicero has just said that it is not credible that Caelius without a motive planned so great a crime as poisoning Clodia. In order to suggest a motive for this crime (alterius caussa sceleris) they invent 'sceleris maximi crimen,' a story about Caelius attempting to poison Dion, and borrowing gold from Clodia for that purpose; Clodia, as the prosecutors say, not knowing for what purpose the gold was borrowed, but having discovered it afterwards, as it is implied in the charge.

geratur quod foras proferendum sit, in qua lustra, libidines, luxuries, omnia denique inaudita vitia ac flagitia versentur, hic servos non esse servos? quibus omnia committantur, per quos gerantur, qui versentur iisdem in voluptatibus, quibus occulta credantur? ad quos aliquantum etiam ex quotidianis sumptibus ac luxuria redundet. Id igitur Caelius non videbat? Si enim tam familiaris erat mulieris quam vos vultis, istos quoque servos familiares esse dominae sciebat. Sin ei tanta consuetudo quanta a vobis inducitur non erat, quae cum servis potuit familiaritas esse tanta? XXIV. Ipsius autem veneni quae ratio fingitur? ubi quaesitum est? quemadmodum paratum? quo pacto, cui, quo in loco traditum? Habuisse aiunt domi vimque ejus esse expertum in servo quodam ad [eam] rem ipsam parato; cujus perceleri interitu esse ab hoc comprobatum venenum. Pro dii immortales! cur interdum in hominum sceleribus maximis aut connivetis aut praesentis fraudis poenas in diem reservatis? Vidi enim, vidi, et illum hausi dolorem vel acerbissimum in vita, quum Q. Metellus abstraheretur e sinu gremioque patriae, quumque ille vir, qui se natum huic imperio putavit, tertio die post quam in curia, quam in rostris, quam in re publica floruisset, integerrima aetate, optimo habitu, maximis viribus, eriperetur indignissime bonis omnibus

quod foras] 'foras' om. E. G. 'A house in which nothing is done that is fit matter to be carried out;' which is the meaning, as the context shows. The slaves in such a house are the masters, for they know the secrets. Abrami quotes Juvenal, Sat. ix. 118:

"Vivendum recte, tum propter plurima, tum de his
Praecipue caussis, ut linguas mancipiorum
Contemnas."

And again Sat. iii. 113:

"Scire volunt secreta domus atque inde timeri."

24. *ad eam rem*] Madvig: 'ad eadem rem' P. 'ad rem' P[2]. E. G. Such an experiment on a slave was not punishable at that time, so far as we know. Under the Empire slaves were a little better protected against the cruelty of their masters.—'aut praesentis:' 'aut praesentes' Halm, who says it is plain that 'praesentis' must not be connected with 'fraudis,' and adds "de qua re contulit Wesenbergius Cic. De Divin. ii. § 122. Phaedr. iii. 10, 52. Suet. Claud. 34. Curt. x. 1. 39. Flor. i. 26."

Abrami, one of the most learned and most ridiculous of commentators, says "This matter troubled all antiquity—the question why the Deity when men commit the greatest crimes, as if he winked at them, allowed good things to be their portion; and accordingly for this single reason most persons either denied the existence of a Deity or his providence in human affairs." And then he falls to quotation, heaping one on another, without doing any thing to remove the difficulty that he has started. He says "Caussae sunt non unae cur Deus in maximis nonnullorum sceleribus connivere videatur." If the fact is certain, that men do go unpunished though they commit the greatest crimes, the conclusion is plain: we must alter our way of speaking of the course of human affairs, and correcting our conception of the government of the world we must express our corrected notion in such words that this fact shall not appear as a contradiction.

optimo habitu] 'Habitus' sometimes means state of health, a good habit of body, as we say after the Latin fashion. Terence says 'habitudo corporis.' Cicero seems to insinuate that Metellus was poisoned by his wife. Such an imputation is easily made. If Cicero had no evidence of such

atque universae civitati; quo quidem tempore ille moriens, quum jam ceteris ex partibus oppressa mens esset, extremum sensum ad memoriam rei publicae reservabat; quum me intuens flentem significabat interruptis atque morientibus vocibus, quanta impenderet procella urbi, quanta tempestas civitati; et quum parietem saepe feriens eum, qui cum Q. Catulo fuerat ei communis, crebro Catulum, saepe me, saepissime rem publicam nominabat; ut non tam se mori quam spoliari suo praesidio quum patriam, tum etiam me doleret. Quem quidem virum si nulla vis repentini sceleris sustulisset, quonam modo ille furenti fratri suo [patrueli] consularis restitisset, qui consul incipientem furere atque conantem sua se manu interfecturum audiente senatu dixerit? Ex hac igitur domo progressa ista mulier de veneni celeritate dicere audebit? Nonne ipsam domum metuet, ne quam vocem eliciat? non parietes conscios, non noctem illam funestam ac luctuosam perhorrescet? Sed revertar ad crimen. Sed enim haec facta illius clarissimi ac fortissimi viri mentio et vocem meam fletu debilitavit et mentem dolore impedivit.

XXV. Sed tamen venenum unde fuerit, quemadmodum paratum sit, non dicitur. Datum esse aiunt hoc P. Licinio, pudenti adoles-

a crime,—and how could he have?—it is a most scandalous charge to make against the woman.

parietem saepe feriens] A sign of vexation and trouble, as Abrami says, quoting Horace (Sat. ii. 3, v. 7):

"Culpantur frustra calami immeritusque laborat
Iratis natus paries Dis atque poetis."

We must suppose that Catulus' house was next to Metellus' (parietem . . . eum, qui cum Q. Catulo fuerat ei communis). Catulus died in Metellus' consulship, and Metellus, who died in Caesar's consulship B.C. 59, is represented as deploring the calamities with which Rome was threatened by Caesar's measures.

fratri suo patrueli] 'Fratres patrueles' are cousins, who are the sons of brothers; but Clodius' mother, as Manutius observes, was the sister of Metellus Celer's father. Lambinus supposes that Cicero means Q. Caecilius Metellus Nepos, for that he and Celer were "fratres patrueles (non germanos) constat." Halm says "*patrueli* ut glossema manifestum inclusimus cum Orellio (2), cum manifeste P. Clodius significetur. Cf. De Har. Resp. § 45." It is certain that P. Clodius is meant; and he might call him 'frater,' after Roman fashion; but he could not add 'patruelis.'—'qui consul:' '*consul* Manutius: *consulem*' C (Halm). The correction is certain. Celer was consul in B.C. 60, and he opposed Clodius' 'furor.' The 'incipientem furere' is 'ad plebem transire conantem' (Manutius).

ne quam vocem eliciat] This is a rhetorical commonplace, of which there is another example in the Pro Cluentio, c. 6.

Sed enim] "*etenim* prave Gruterus; *sed enim* in quo complures editores offensi sunt, est nostrum 'aber freilichs,' cujus loco orator etiam *quamquam* vel *etsi* scribere potuit" (Halm).

25. *aiunt hoc*] C. 'aiunt huic' Madvig, Halm. Licinius was present. See c. 28, "tam imbecillum quam videtis." Manutius supposes him to be a different person from P. Licinius Crassus, the son of Marcus Crassus. "I too," says Klotz, "am not inclined in this passage to think of P. Crassus, the son of the rich Crassus. Cicero would certainly have mentioned him in other terms, as Manutius correctly assumed." One would suppose so. He would not have called a brave soldier like Crassus an 'imbecillus.' Orelli (Index Historicus, &c.) thinks it more probable that Caelius and P. Crassus were friends,

centi et bono, Caelii familiari; constitutum factum esse cum servis, ut venirent ad balneas Senias; eodem Licinium esse venturum atque iis veneni pyxidem traditurum. Hic primum illud requiro, quid attinuerit fieri in eum locum constitutum; cur illi servi non ad Caelium domum venerint. Si manebat tanta illa consuetudo Caelii, tanta familiaritas cum Clodia, quid suspicionis esset, si apud Caelium mulieris servus visus esset? Sin autem jam suberat simultas, exstincta erat consuetudo, discidium exstiterat, hinc illae lacrimae nimirum, et haec caussa est omnium horum scelerum atque criminum.—Immo, inquit, quum servi ad dominam rem istam et maleficium Caelii detulissent, mulier ingeniosa praecepit suis omnia Caelio pollicerentur; sed ut venenum, quum a Licinio traderetur, manifesto comprehendi posset, constitui locum jussit, balneas Senias, ut eo mitteret amicos qui delitiscerent, deinde repente, quum venisset Licinius, venenum traderet, prosilirent hominemque comprehenderent.—XXVI. Quae quidem omnia, judices, perfacilem rationem habent reprehendendi. Cur enim potissimum balneas publicas constituerat? in quibus non invenio quae latebra togatis hominibus esse posset. Nam si essent in vestibulo balnearum, non laterent: sin se in intimum conjicere vellent, nec satis commode calceati et vestiti id facere possent et fortasse non reciperentur, nisi forte mulier potens quadrantaria illa permutatione familiaris

both of them friends of Cicero, and both charged by the prosecutors at once. This is an instructive instance of the folly of guessing. But where was P. Crassus in B.C. 56, the year of this trial? He was in Aquitania, where he conducted a campaign with great ability, and he only failed to secure the submission of the people in the upper valleys of the Pyrenees, because the winter was coming on. (Caesar, B. G. iii. 27.) He was at the foot of the Pyrenees till the beginning of winter in B.C. 56, and he had been with Caesar in Gallia from B.C. 58.—'constitutum:' see Pro P. Quintio, c. 5, Vol. ii.—'Senias:' Halm notices no other reading. Some editions have Xenias.

hinc illae lacrimae] The words of Terence (Andria i. 1, v. 99), whom Cicero often quotes. It was no doubt an expression used in common talk. Cicero supposes that Caelius and Clodia had quarrelled, and that would explain the whole matter. Perhaps he was tired of the woman and left her, and such a woman would not forgive the insult. Muretus, says Abrami, collected eight examples of women turning furious, when they were neglected or despised. W. Canter added five more, a rich addition to psychological science. Potiphar's wife is the first of the five, to which he adds the case of Bellerophon, Peleus, and Hippolytus (Hor. C. iii. 7), and a fifth, a story from Roman History, probably more true than the three just mentioned, contained in Plutarch's Parallels of Greek and Roman History.

"Mulier saevissima tunc est
Quum stimulos odio pudor admovet."
(Juvenal, Sat. x. v. 328.)

26. *togatis*] Men did not wear the toga or the calcei in the baths, and if these men had worn them there, they would have been observed. Besides, the baths were well lighted, and men would be seen, unless they retired into some inner part.—'conjicere:' 'coicere' P. G.

quadrantaria] There is a story in Plutarch's Life of Cicero (c. 29) that Clodia had the name because one of her lovers sent her some copper coin in a purse instead of silver. The 'quadrans' was the sum paid by the poor for a bath.

"dum tu quadrante lavatum
Rex ibis."

facta erat balneatori. Atque equidem vehementer exspectabam, quinam isti viri boni testes hujus manifesto deprehensi veneni dicerentur; nulli enim sunt adhuc nominati. Sed non dubito quin sint pergraves, qui primum sint talis feminae familiares, deinde eam provinciam susceperint ut in balneas contruderentur; quod illa nisi a viris honestissimis ac plenissimis dignitatis, quam velit sit potens, numquam impetravisset. Sed quid ego de dignitate istorum testium loquor? Virtutem eorum diligentiamque cognoscite. In balneis delituerunt: testes egregios! dein temere prosiluerunt. Homines gravitati deditos! Sic enim fingunt, quum Licinius venisset, pyxidem teneret in manu, conaretur tradere, nondum tradidisset, tum repente evolasse istos praeclaros testes sine nomine; Licinium autem, quum jam manum ad tradendam pyxidem porrexisset, retraxisse atque illo repentino hominum impetu se in fugam conjecisse. O magna vis veritatis quae contra

Horace, Sat. i. 3, v. 137, and Macleane's note. —'quadrantaria' agrees with 'permutatione,' and Cicero seems to allude to some story about her, possibly the story which Plutarch tells. Still the words 'quadrantaria illa permutatione' mean no more than 'by that (usual) exchange of the quadrans' for the bath. A woman of Clodia's rank and wealth ought not to have gone to the public bath; and Cicero means to say that she did go there, and we must infer, for the purpose of seeing her lovers. Some of the explanations of the passage are most absurd. Klotz has a wonderful note on it, a most curious mixture of sense and nonsense. Orelli says "recte Garatoni," and Garatoni says: "Ciceronem ipsum arbitror, contumeliae quasi capite indicato, aliorum dicacitati reliqua permittere voluisse."

Quintilian (viii. 6, 53) gives this word and others as an example of 'aenigma.' He says "ut Caelius quadrantariam Clytemnestram, et in triclinio Coam, in cubiculo Nolam." She was a Clytemnestra, because she was said to have killed her husband Metellus; a quadrantaria, as some explain it, because she was like a common prostitute who sold herself cheap. The explanation of 'Coam' and 'Nolam' is difficult; and not worth the trouble. But it has been done by "Fr. C. Forbergius, peritissimus harum rerum arbiter atque existimator, in Antonii Panormitae Hermaphrodito, p. 283" (Meyer, Orat. Rom. Frag. ed. 2).

viri boni] Such 'honest gentlemen' used to lie in wait to detect knaves, like policemen in our time. Cicero speaks of them Pro Cluentio, c. 16. The witnesses were not yet examined, but the prosecutors might have mentioned their names, if they chose.—'eam provinciam:' 'such a business,' one of the familiar meanings of 'provincia' (Verr. ii. 4, c. 23, Vol. i.).

nisi a viris] Manutius proposes to omit 'nisi.' He says "negatur enim Clodiam id impetrare potuisse, quamquam potens admodum esset, a viris honestissimis: ad negandum autem sufficit *numquam*: si addatur, *nisi*, ex negatione fiet affirmatio." Garatoni observes that every body will be surprised that Manutius did not see the irony. Not every body; for those who have read Manutius' notes with care will know that he was incapable of understanding a joke.

gravitati deditos] E. G. S. 'temperantes' P. Halm. Lambinus says that 'omnes libri veteres' have 'temperantes:' but his assertion is not true. He proposed 'intemperantes,' but 'temperantes' is ironical. They were so impatient to seize the man that they sprung out too soon (temere). It is difficult to conjecture how the variation in the reading originated.

magna vis . . quae . . defendat] Great is the power of truth, and great enough to defend itself unaided. Muretus compares a passage in Aeschines, In Timarch. p. 107, about truth being strong enough to prevail over all human devices. But, as Orelli remarks, this is one of that kind of sayings which may come into any man's head in the proper place.

hominum ingenia, calliditatem, sollertiam contraque fictas omnium insidias facile se per se ipsa defendat! XXVII. Velut haec tota fabella veteris et plurimarum fabularum poetriae quam est sine argumento! quam nullum invenire exitum potest! Quid enim, isti tot viri, nam necesse est fuisse non paucos, ut et comprehendi Licinius facile posset et res multorum oculis esset testatior, cur Licinium de manibus amiserunt? Qui minus enim Licinius comprehendi potuit, quum se retraxit ne pyxidem traderet, quam si tradidisset? Erant enim illi positi ut comprehenderent Licinium, ut manifesto Licinius teneretur, aut quum retineret venenum, aut quum tradidisset. Hoc fuit totum consilium mulieris, haec istorum provincia qui rogati sunt; quos quidem tu quamobrem temere prosiluisse dicas atque ante tempus non reperio.—Fuerant hoc rogati; fuerant ad hanc rem collocati, ut venenum, ut insidiae, facinus denique ipsum ut manifesto comprehenderetur.—Potueruntne meliori tempore prosilire quam quum Licinius venisset, quum in manu teneret veneni pyxidem? quae si quum jam erat tradita servis, evasissent subito ex balneis mulieris amici Liciniumque comprehendissent, imploraret hominum fidem atque a se illam pyxidem traditam pernegaret. Quem quomodo illi reprehenderent? vidisse se dicerent? Primum ad se revocarent maximi facinoris crimen; deinde id se vidisse dicerent, quod quo loco collocati fuerant non potuissent videre. Tempore igitur ipso se ostenderunt, quum Licinius venisset, pyxidem expediret, manum porrigeret, venenum traderet. Mimi ergo est jam exitus, non fabulae; in quo

27. *poetriae*] He says 'poetria' because he means Clodia, a maker of many fabulae or plays; but this is without a real subject or plot (argumentum), and has no apt conclusion (exitum). Cicero (Ad Att. i. 19): "nullam a me epistolam ad te sino sine argumento ac sententia pervenire."—'amiserunt:' C. Orelli has 'emiserunt.' "Cf. in Verr. iii. § 32, et iv. § 44, ubi lectio *amissa* a Zumptio relicta ex optimo R reducenda est: et v. Liv. 29, 31. 30, 24. 31, 18. Curt. ix. 10, 26. Plaut. Mil. glor. ii. 5, 47 cet." (Halm). See Verr. ii. 3, c. 13, and ii. 4, c. 20, Vol. i.

si tradidisset] The 'vulgata,' says Graevius, is 'si non retraxisset,' which he says is intelligible, if we understand 'se.' But the reading in the text, for which there is good MSS. authority, fits the sense better The other reading is 'quam si retraxisset;' and the 'non' is an addition of the editors, made to give a meaning to the passage.

meliori tempore] 'magis tempore' P[1]. Halm.—'quae si quum jam:' Halm says that the MSS. have 'quae si jam erat.' The reading 'quae si quum jam' appears in many old editions. Halm proposes 'quae si jam erat tradita servis, si evasissent.'

Quem reprehenderent] 'How could they have convicted him,' if he had denied the fact: 'could they have said that they saw?'—'ad se revocarent:' Manutius says "for if they saw, they were privy to the deed; for Licinius would not have offered the poison in their sight, unless they were privy to the plot."

Mimi ergo est jam] 'Well now the end is that of a farce, not of a play.' There was no real end, no proper conclusion (clausula). Abrami quotes Seneca (Ep. 77), one of the many passages in the antient writers in which life is compared to a play: "Quomodo fabula, sic vita; non quamdiu, sed quam bene acta sit refert: nihil ad rem pertinet quo loco desinas: quocunque voles, desine: tantum bonam clausulam impone."

quum clausula non invenitur, fugit aliquis e manibus, deinde scabilla concrepant, aulaeum tollitur. XXVIII. Quaero enim cur Licinium titubantem, haesitantem, cedentem, fugere conantem, mulieraria manus ista de manibus amiserit, cur non comprehenderint, cur non ipsius confessione, multorum oculis, facinoris denique voce, tanti sceleris crimen expresserint? An timebant ne tot unum, valentes imbecillum, alacres perterritum superare non possent?

Nullum argumentum in re, nulla suspicio in caussa, nullus exitus criminis reperietur. Itaque haec caussa ab argumentis, a conjectura, ab iis signis, quibus veritas illustrari solet, ad testes tota traducta est. Quos quidem ego testes, judices, non modo sine ullo timore, sed etiam cum aliqua spe delectationis exspecto. Praegestit animus jam videre, primum lautos juvenes, mulieris beatae ac nobilis familiares; deinde fortes viros ab imperatrice in insidiis atque in

See the conclusion of the De Senectute and also c. 19; and Antoninus, Med. xii. 36.

A Mimus was a coarse farce, where the gesture was indecent and the imitation was of coarse things. Valerius Maximus (ii. 6, 7) says of the Massilienses: "Eadem civitas severitatis custos acerrima est; nullum aditum in scenam Mimis dando, quorum argumenta majore ex parte stuprorum continent actus, ne talia spectandi consuetudo etiam imitandi licentiam sumat." This passage is cited by John of Salisbury (Nugae, viii. c. 2) with a little variation, 'mimis daret in caena.' They ended with some coarse piece of acting, as he says here; by some one making his escape from the stage: then comes the rattling of the scabella. Salmasius (In Flav. Vop. p. 502) says that the scabellum or scabillum "instrumentum erat in modum scabelli ex ligno factum, vel scabellum potius erat revera, hoc est ὑποπόδιον, quod pede feriebatur cum lignea aut ferrea solea ut major ederetur crepitus." There is in the Louvre (383, Salle de la Psyché) a dancing Faun: "il tient sous le pied droit le *scabillum*, espèce d'instrument creux en forme de sandale, entre les semelles de laquelle il y avait des crotales ou castagnettes qui servaient à marquer la mesure" (Clarac's Louvre).

aulaeum tollitur] The curtain is raised; the farce is ended. Horace (Ep. ii. 1, v. 189)

"Quatuor aut plures aulaea premuntur in horas."

'Aulaea premuntur,' 'the curtain is let down,' when the acting begins, and raised when it is over. Ovid (Met. iii. 111) has a passage in which he compares the men rising out of the earth from the seed of the serpents' teeth to the appearance of the figures on the 'aulaea,' when they are raised.

28. *de manibus amiserit*] "*amiserit* aliquot codd. Lambini: *miserit* P. *emiserit* E. G." (Halm).—'facinoris voce:' 'the voice of the crime,' a rhetorical way of saying that facts are so plain that they speak for themselves.—'crimen expresserint:' Caesar (B. G. i. 32) says: "Quum ab his saepius quaereret neque ullam omnino vocem exprimere posset."

Nullum argumentum . . . ab argumentis] It was a case in which there was nothing to lead to a conclusion except the direct evidence of the witnesses, and they were not yet examined. This chapter and other passages of Cicero show that the witnesses were examined after the speeches. The words 'nullus exitus criminis' must be compared with the beginning of c. 27. The translation is not easy. The 'crimen' or charge had no 'exitus;' it concluded with nothing, for it ended with a story of a man going to do something and making his escape before he was detected, though all pains had been taken to detect him and seize him, and nobody can tell why it was not done, if the rest of the story was true.

beatae] 'rich.' Juvenal says of a forger (Sat. i. 67)

"Signator falso qui se lautum atque beatum
Exiguis tabulis et gemma fecerat uda."

—'ab imperatrice:' just as if he were speaking of a general commanding in chief he might say 'ab imperatore.' Caesar in his commentaries sometimes calls himself the 'imperator.'

praesidio balnearum collocatos; ex quibus requiram quonam modo latuerint aut ubi: alveusne ille an equus Trojanus fuerit, qui tot invictos viros muliebre bellum gerentes tulerit ac texerit. Illud vero respondere cogam, cur tot viri ac tales hunc et unum et tam imbecillum quam videtis, non aut stantem comprehenderint aut fugientem consecuti sint; qui se numquam profecto, si istum in locum processerint, explicabunt: quam volent in conviviis faceti, dicaces, nonnumquam etiam ad vinum diserti sint, alia fori vis est, alia triclinii; alia subselliorum ratio, alia lectorum: non idem judicum comissatorumque conspectus: lux denique longe alia est solis ac lychnorum. Quamobrem excutiemus omnes istorum delicias, omnes ineptias, si prodierint. Sed me audiant, navent aliam operam, aliam ineant gratiam, in aliis se rebus ostentent: vigeant apud istam mulierem venustate, dominentur sumptibus, haereant, jaceant, deserviant; capiti vero innocentis fortunisque parcant.

XXIX. At sunt servi illi de cognatorum sententia nobilissimorum et clarissimorum hominum manumissi.—Tandem aliquid invenimus, quod ista mulier de suorum propinquorum fortissimorum

alveusne] An 'alveus' is a bath, the part in which a man lies down in the water. It is not a 'labrum,' but a place constructed to hold water for a person to bathe in. The allusion to the Trojan horse would be understood by every body. Orelli remarks that there was a play of Livius Andronicus, and a play of Naevius so named (Cic. Ad Div. vii. 1, and 14); and accordingly Orelli writes 'equus' with a capital E for this reason: "Hoc igitur vocabulo Tullius salsissime significat totam istam rem esse fabulam fictam atque inanem." But the horse itself answers all this purpose.

se explicabunt] If they shall come forward as witnesses (in istum locum), 'they will never get clear away,' or something of that kind. Cicero uses the expression Verr. ii. 5, c. 58.

diserti sint, alia] A full stop is placed after 'sint' in the editions; but Bake changed the punctuation as it is in the text, and Halm has adopted the improvement.—'conspectus:' Ursini says that a 'vetus liber' has 'consessus' in place of 'conspectus.'

jaceant] Pantagathus proposed to write 'teneant,' which, as Ursini thinks, makes the sense somewhat better. Cicero is speaking rapidly, and he uses single verbs instead of explaining himself fully. No single verbs in English will express 'haereant, jaceant, deserviant,' but if the reader will complete the notion implied in each word, the meaning will be plain.—'excutiemus,' Index, Vol. ii.

29. *de cognatorum sententia*] 'Upon the advice and with the approbation of her cognati:' a common form of expression. These slaves were manumitted by Clodia with the consent of her 'cognati.' Cicero sarcastically says "at last we have found something which the woman may be said to have done upon the advice and with the authority of her kinsmen;" for they could not approve of the other acts of her life. The manumission, says Cicero, proves nothing. It was either done to bring Caelius into suspicion, as if the woman acknowledged by the manumission the great services of her slaves, or it was done to save them from being put to the torture, for slaves only could be tortured; or they were privy to many acts of their mistress and so she paid them with their freedom for their services (cum caussa praemium). 'Caussa' has here a technical signification. It is the ground and foundation of the legal act. Clodia gave them their liberty; she rewarded them with their liberty 'cum caussa,' with a good foundation for it. Here of course he means it in a bad sense; but he uses the legal form of expression. The old reading was 'sublevata.' Manutius saw that it should be 'sublata;' and Lambinus read 'sublata,' which is the reading of T. S. P. E. G. have 'sublevata.'

virorum sententia atque auctoritate fecisse dicatur. Sed scire cupio quid habeat argumenti ista manumissio; in qua aut crimen est Caelio quaesitum, aut quaestio sublata aut multarum rerum consciis servis cum caussa praemium persolutum.—At propinquis, inquit, placuit.—Cur non placeret, quum tu rem te ad eos non ab aliis tibi allatam, sed a te ipsa compertam deferre diceres? Hic etiam miramur, si illam commentitiam pyxidem obscenissima sit fabula consecuta? Nihil est quod in ejusmodi mulierem non cadere videatur: audita et percelebrata sermonibus res est. Percipitis animis, judices, jamdudum, quid velim, vel potius quid nolim dicere. Quod etiam si est factum, certe a Caelio non est: quid enim attinebat? Est enim ab aliquo fortasse adolescente, non tam insulso quam non verecundo. Sin autem est fictum, non illud quidem modestum, sed tamen est non inficetum mendacium; quod profecto numquam hominum sermo atque opinio comprobasset, nisi omnia, quae cum turpitudine aliqua dicerentur, in istam quadrare apte viderentur.

Dicta est a me caussa, judices, et perorata. Jam intelligitis quantum judicium sustineatis, quanta res sit commissa vobis. De vi quaeritis. Quae lex ad imperium, ad majestatem, ad statum patriae, ad salutem omnium pertinet; quam legem Q. Catulus armata dissensione civium rei publicae paene extremis temporibus tulit; quaeque lex sedata illa flamma consulatus mei fumantes reliquias conjurationis exstinxit; hac enim lege Caelii adolescentia non ad rei publicae poenas, sed ad mulieris libidines et delicias deposcitur. XXX. Atque hoc etiam loco M. Camurtii et C. Caesernii damnatio praedicatur. O, stultitiamne dicam an impu-

obscenissima sit] Halm writes 'obscenissima est' contrary to all the MSS.; but consistently with Latin usage. Cicero does not tell us what this 'obscenissima fabula' was. He gives no hint; but it was something too bad for him to mention. Cicero's silence did not prevent Abrami from trying to scent out the matter, and he has made a most singular note on it.—'in ejusmodi mulierem non cadere:' see Pro Sulla, c. 27, "in hos mores cadit."

modestum] There is a reading 'molestum,' of which Gruter says "ita libri MSS. praestantiores, non *modestum* quod in hactenus vulgatis." Halm does not notice this reading 'molestum,' indeed it is not worth notice except that it appears in some editions of the orations.

quadrare] A play on the name Quadrantaria, as it seems.

quam legem is] See the Introduction. —'mulieris libidinosae delicias,' Halm.

exstinxit; hac enim] In many editions, I know not if in all, the pointing stands thus: 'extinxit. Hac enim lege;' but it is certainly faulty. Yet 'enim' the MSS. reading is faulty too. Halm says "*hac nunc* scripsi: *hac enim* C, *hac* Orelli." He has however printed *hac enim* in his text, through an oversight. 'Hac nunc' appears to be the best thing that can be suggested.

30. *Camurtii*] No more is known of this matter than what Cicero tells us. Their act of violence did not bring them within the penalties of any Lex de vi. Their offence was 'stuprum.' See Vol. iii. Index, Stuprum.

dentiam singularem! Audetisne, quum ab ea muliere veniatis, facere istorum hominum mentionem? audetisne excitare tanti flagitii memoriam, non exstinctam illam quidem, sed repressam vetustate? Quo enim illi crimine peccatoque perierunt? nempe quod ejusdem mulieris dolorem et injuriam Vettiano nefario stupro sunt persecuti. Ergo, ut audiretur Vettii nomen in caussa, ut illa vetus afraria fabula reficeretur, idcirco Camurtii et Caesernii est caussa renovata? qui, quamquam lege de vi certe non tenebantur, eo maleficio tamen erant implicati ut ex nullius legis laqueis emittendi viderentur. M. vero Caelius cur in hoc judicium vocatur? cui neque proprium quaestionis crimen objicitur, nec vero aliquod ejusmodi quod sit a lege sejunctum [et] cum vestra severitate conjunctum: cujus prima aetas dedita disciplinis fuit iisque artibus, quibus instituimur ad hunc usum forensem, ad capessendam rem publicam, ad honorem, gloriam, dignitatem: iis autem fuit amicitiis majorum natu, quorum imitari industriam continentiamque maxime velit, iis studiis aequalium, ut eundem quem optimi ac nobilissimi petere cursum laudis videretur. Quum autem paullum jam roboris accessisset aetati, in Africam profectus est, Q. Pompeio proconsuli

afraria] "C. sed cod. St. Vict. araria" (Halm). Aeraria, Garatoni, Halm; Afrania, Orelli; Afraniana, Lambinus. I do not know what an 'aeraria fabula' would mean. 'Afrania' is a slight alteration; but if Afranius the comic writer is alluded to, the word ought to be Afraniana. Garatoni explains his own emendation, which a man ought to do. He says that Cicero is alluding to the 'quadrantes aerei,' and the story of Clodia and her lover told by Plutarch (Cicero, c. 29), and referred to before. Accordingly it is the same as if Cicero had said 'quadrantaria fabula.' Orelli reads 'fabula refricaretur,' but there is no authority for 'refricaretur.' He quotes a like use of 'refricare' from Phil. iii. 7.

emittendi] Codd. except A. which has 'eximendi,' which Halm accepts. 'Laquei,' the meshes of a net, are often used in metaphors, to express a difficulty; as in Verr. ii. 2, c. 42: "Hic videte in quot se laqueos induerit."

proprium quaestionis crimen] 'No charge that was matter for a quaestio.'—'aliquod' P. 'sc. crimen' (Halm). The other reading is 'aliquid.'—'a lege sejunctum:' Gruter says that Leodegarius a Quercu conjectures 'quod non sit a lege' &c. But 'a lege sejunctum' means any thing which is at variance with a Lex and consequently consistent with severity on your part, the part of the judices. 'Sejungere' is often used; as in c. 3, "tantum te a verborum libertate sejungas;" and in c. 32, "numquam hunc a nostris rationibus sejunctum fore."—'disciplinis:' 'disciplinae,' Halm.

instituimur] P. E. G. S., the usual word in such a case. There is little authority for 'instruimur,' which is printed in many editions.—'maxime velit:' some editions have incorrectly 'vellet,' which Ernesti introduced, on account of the difference of tense in the two members of the sentence. But, as Garatoni says, "*velit* optantis est."—'iis aequalium studiis:' his 'aequales' or companions in age are opposed to his elders (majorum natu), and 'studiis' is opposed to 'amicitiis.' The MSS. have 'iis aequalium studiis' except A.; which has the order in the text, and this order corresponds to 'amicitiis majorum natu,' and so the opposition is complete. But the exact meaning is not so clear. In c. 17 he says "non quies, non remissio, non aequalium studia, non ludi, non convivia delectarent;" where it means such 'pursuits as his aequales have.' Accordingly this passage should mean 'that he had such friendship with his elders—such pursuits in common with his aequales,' that is, he had the same pursuits as they had, and accordingly was considered to be in the same honourable career.

Q. Pompeio] He was proconsul of

contubernalis, castissimo viro atque omnis officii diligentissimo: in qua provincia quum res erant et possessiones paternae, tum etiam usus quidam provincialis non sine caussa a majoribus huic aetati tributus. Decessit illinc Pompeii judicio probatissimus, ut ipsius testimonio cognoscetis. Voluit vetere instituto, eorum adolescentium exemplo, qui post in civitate summi viri et clarissimi cives exstiterunt, industriam suam a populo Romano ex aliqua illustri accusatione cognosci. XXXI. Vellem alio potius eum cupiditas gloriae detulisset: sed abiit hujus tempus querelae. Accusavit C. Antonium, collegam meum; cui misero praeclari in rem publicam beneficii memoria nihil profuit, nocuit opinio maleficii cogitati. Postea nemini umquam concessit aequalium, plus ut in foro, plus ut in negotiis versaretur caussisque amicorum, plus ut valeret inter suos gratia. Quae nisi vigilantes homines, nisi sobrii, nisi industrii, consequi non possunt, omnia labore et diligentia est consecutus. In hoc flexu quasi aetatis, nihil enim occultabo fretus humanitate ac sapientia vestra, fama adolescentis paullum haesit ad metas notitia nova mulieris et infelici vicinitate et insolentia voluptatum; quae quum inclusae diutius, et prima aetate compressae et constrictae fuerunt, subito se nonnumquam profundunt atque ejiciunt universae. Qua ex vita, vel dicam, quo ex sermone, nequaquam

Africa after his praetorship. Africa is the Roman province of Africa. Caelius accompanied Pompeius after Roman fashion to learn something of public administration by being about the governor. It appears that Caelius' father, who was a Roman eques, had business there (res) and lands (possessiones); and this was one reason for sending the youth there to look after his father's affairs. The other reason for his going to Africa was to get experience in provincial administration. — 'viro:' 'homini,' A. Halm.

Decessit] A. 'discessit' P. S. 'discedens' G. "Verbo *decedendi* in privatis quoque uti Ciceronem satis constat" (Bake quoted by Halm). This is true, but not always admitted. See Pro Archia, c. 4, and the note on 'satis longo intervallo.'—'vetere instituto:' according to an old practice young men who aspired to political honours began by prosecuting some man who had attained these honours and brought himself by his acts within the penalties of some Lex. (See c. 7.)

31. *C. Antonium*] Whom Caelius prosecuted to condemnation. We know nothing of C. Antonius' great services to the state, but as he commanded the troops sent against Catilina, Cicero we must suppose gives him the glory of the victory. But Antonius was sick on the battle day, and his legatus Petreius defeated the rebels. The 'opinio maleficii' was the belief that he was implicated in Catilina's conspiracy. Compare what Cicero says In Pisonem, c. 2.

In hoc flexu quasi aetatis] 'At this which we may call the turning point in his age.' The metaphor is taken from the chariot-race in the Circus, as the words 'haesit ad metas' show. Garatoni observes that he does not say 'ad metam,' but 'ad metas,' for the 'spina' of the Circus had a 'meta' at each end, each 'meta' consisting of three cones on one base. Caelius got out of his course through a fresh intimacy (nova notitia) with a woman, and an unlucky vicinity to her. 'Notitia' is used by Terence, Heauton. (i. 1, 1) in the sense of acquaintance.

He makes another apology for Caelius, his 'insolentia voluptatum,' his 'inexperience in pleasure.' He had been brought up strictly, and when he came as we say to be his own master, his passions hitherto repressed broke loose. He fell into the hands of a bad woman, as Cicero means to affirm.

enim tantum erat quantum homines loquebantur, verum ex eo quidquid erat emersit totumque se ejecit atque extulit, tantumque abest ab illius familiaritatis infamia ut ejusdem nunc ab sese inimicitias odiumque propulset. Atque ut iste interpositus sermo deliciarum desidiaeque moreretur—fecit me mehercule invito et multum repugnante, sed tamen fecit—nomen amici mei de ambitu detulit; quem absolutum insequitur, revocat; nemini nostrum obtemperat; est violentior quam vellem. Sed ego non loquor de sapientia, quae non cadit in hanc aetatem: de impetu animi loquor, de cupiditate vincendi, de ardore mentis ad gloriam; quae studia in his jam aetatibus nostris contractiora esse debent, in adolescentia vero tamquam in herbis significant quae virtutis maturitas et quantae fruges industriae sint futurae. Etenim semper magno ingenio adolescentes refrenandi potius a gloria quam incitandi fuerunt: amputanda plura sunt illi aetati, si quidem efflorescit ingenii laudibus, quam inserenda. Quare si cui nimium effervisse videtur hujus vel in suscipiendis, vel in gerendis inimicitiis [vis] ferocitas, si quem etiam minimorum horum aliquid offendit, si purpurae genus, si amicorum catervae, si splendor, si nitor, jam ista deferverint, jam aetas omnia, jam dies mitigarit.

iste interpositus sermo] 'In order that this talk about his amours and indolence might die away,' in which translation 'interpositus' is omitted. It is one of the numerous examples of difficulty in translating from Latin. Cicero says 'talk interposed' (interpositus), but that which is interposed is interposed between two things at least, either different things, or the same kind of things. The metaphor is not completed in Latin. It is left to the hearer or reader to complete it. The 'sermo' or common talk about Caelius was like some obstacle in the course that he had to run: it was an interruption of continuity. We must determine the character of the metaphor before we can get at the meaning, and when we have got the meaning, we must express it as well as our language will allow; for we cannot equal the Latin brevity. We may say then 'in order that this talk which was a hindrance in the way of his political career might die away.' There is an example of 'interpositum' in the In Pisonem, c. 2.

nomen amici] Cicero's friend Atratinus.

his jam aetatibus nostris] He is addressing the judices: 'in men who have reached the age that we have.' Luxuriance in youth, as he says, gives promise of fruit in riper age. He continues the same metaphor. Youth wants pruning, if it shows the flower of talent, rather than ingrafting (inserenda).

effervisse] 'efferbuisse' E. Halm.—'inimicitiis:' Halm writes 'inimicitiis suis.' The MSS. have 'inimicitiis vis.' After 'ferocitas' S. has 'pertinacia,' and in some editions the passage stands thus—'inimicitiis, vis, ferocitas, pertinacia,' which is an absurd collection of words, and would spoil Cicero's argument. With respect to 'inimicitiis vis' Madvig quoted by Halm says: "Asyndeton bimembre hoc quidem loco ferri non potest. Suspicor paene *vis* ortum esse ex ultimis literis vocabuli *inimicitiis*;" and this is a very probable conjecture.

si purpurae genus] We may infer something about Caelius' habits from the orator's admissions. His dress was costly (genus purpurae), of a better, finer dye than that of other equites. See Pro Sestio, c. 8. If any of these things, says Cicero, offends any person, those things will soon cool down. Caelius will mend of these youthful faults.

jam dies] 'jam ista dies' E. G. S. P. has the same with a space between 'ista' and 'dies.' Orelli has 'jam res, jam dies.' Halm following Ravius writes 'jam usus, jam dies mitigarit.'

XXXII. Conservate igitur rei publicae, judices, civem bonarum artium, bonarum partium, bonorum virorum. Promitto hoc vobis et rei publicae spondeo, si modo nos ipsi rei publicae satis fecimus, numquam hunc a nostris rationibus sejunctum fore. Quod quum fretus nostra familiaritate promitto, tum quod durissimis se ipse legibus jam obligavit. Non enim potest, qui hominem consularem, quod ab eo rem publicam violatam diceret, in judicium vocarit, ipse esse in re publica civis turbulentus: non potest, qui ambitu ne absolutum quidem patitur esse absolutum, ipse impune umquam esse largitor. Habet a M. Caelio res publica, judices, duas accusationes vel obsides periculi vel pignora voluntatis. Quare oro obtestorque vos, judices, ut qua in civitate paucis his diebus Sex. Clodius absolutus sit, quem vos per biennium aut ministrum seditionis aut ducem vidistis, qui aedes sacras, qui censum populi Romani, qui memoriam publicam suis manibus incendit, hominem sine re, sine fide, sine spe, sine sede, sine fortunis, ore, lingua, manu, vita omni inquinatum; qui Catuli monumentum afflixit, meam domum diruit, mei fratris incendit; qui in Palatio atque in urbis oculis servitia ad caedem et inflammandam urbem incitavit; in hac civitate ne patiamini illum absolutum muliebri gratia, M. Caelium libidini

32. *bonorum virorum*] Weiske proposed to write 'bonorum morum,' on which Halm says "praeter necessitatem;" and perhaps he is right. The use of the Latin genitive is often difficult to understand.

Promitto . . . spondeo] These are technical terms used in certain forms of contract (Vol. ii. Index). Cicero speaks as if he were making himself a surety for Caelius. —'rationibus sejunctum:' see the use of 'sejunctum' c. 30. Here he says 'a man who will never swerve from my principles,' my policy and my fidelity to the state.—'legibus obligavit:' 'has bound himself by the hardest terms.' He does not mean 'laws,' though he alludes to Caelius' two prosecutions under certain 'leges,' one his prosecution of the consularis Antonius, and the other his prosecution of Atratinus.

patitur] S.; the other readings 'dat,' 'datur,' are corrupt. Wesenberg writes 'patiatur,' in which he is followed by Bake, Klotz, and Halm. But I think that the emendation is false, and that the sentence requires a simple positive affirmation. Though Cicero has said 'vocarit,' that is no reason why he could not or would not say 'patitur' in this part of the sentence.

obsides periculi] Hotmann calls this an 'obscurus locus;' but he has suggested the meaning: 'if any danger should be feared from Caelius, these prosecutions would be in the nature of hostages for the security of the state.'

paucis his diebus] 'within these few days past.' See Vol. i. Index, Diebus illis. —'Sex. Clodius:' this partizan of P. Clodius helped to disturb the state for two years, the year in which Cicero went into exile, and the year in which he returned.

aedes sacras] The aedes of the Nymphae (Pro Milone, c. 27). The 'censum' is the 'censoriae tabulae.' The records (memoria) of the Roman people were burnt in the 'tabularium.'

hominem sine re] Lambinus thought that we should read 'homo sine re . . . inquinatus:' Garatoni thinks that 'hominem sine re . . . inquinatum' should be placed after 'ducem vidistis.' Neither alteration is necessary. A 'homo sine re' is a man who is a beggar. 'Sine re' is the negation of 'cum re' (Horace, Sat. ii. 5, v. 8). What follows may be compared with a passage in the De Domo, c. 10, about Sex. Clodius, "Scilicet tu," &c., in which oration we have plenty about the 'monumentum Catuli' and Cicero's house. (Ad Att. iv. 2 and 3.)

libidini condonatum] 'given up to a

muliebri condonatum, ne eadem mulier cum suo conjuge et fratre, turpissimum latronem eripuisse et honestissimum adolescentem oppressisse videatur. Quod quum hujus vobis adolescentiam proposueritis, constituitote [vobis] ante oculos etiam hujus miseri senectutem, qui hoc unico filio nititur, in hujus spe requiescit, hujus unius casum pertimescit: quem vos supplicem vestrae misericordiae, servum potestatis, abjectum non tam ad pedes quam ad mores sensusque vestros, vel recordatione parentum vestrorum vel liberorum jucunditate sustentate, ut in alterius dolore vel pietati vel indulgentiae vestrae serviatis. Nolite, judices, aut hunc jam natura ipsa occidentem velle maturius exstingui vulnere vestro quam suo fato, aut hunc nunc primum florescentem, firmata jam stirpe virtutis, tamquam turbine aliquo aut subita tempestate pervertere. Conservate parenti filium, parentem filio, ne aut senectutem jam prope desperatam contempsisse aut adolescentiam plenam spei maximae non modo non aluisse, sed etiam perculisse atque afflixisse videamini. Quem si nobis, si suis, si rei publicae conservatis, addictum, deditum, obstrictum vobis ac liberis vestris habebitis, omniumque hujus nervorum ac laborum vos potissimum, judices, fructus uberes diuturnosque capietis.

woman's lust.' But 'condonatus' is generally used where the notion of pardoning and excusing is expressed or implied, as in Caesar, B. G. (i. 20), "praeterita se Divitiaco fratri condonare dicit."—'conjuge et fratre:' the old abuse, an allusion to the alleged incest of the brother and the sister; the sister is the βοῶπις, the sister and the wife of P. Clodius, like Horace's Juno,

"Conjuge me Jovis et sorore."
(Carm. iii. 3, v. 64.)

turpissimum] Bake writes 'et turpissimum,' and Halm accepts the addition.

Quod quum hujus] "*Quod* pro *sed*" (Manutius, who refers to three passages in the Verrine orations). This is his favourite explanation. But 'quod' is a relative, though not used in our fashion; and it occupies the place which 'illud' occupies when it refers to something which the writer is going to add. See Vol. i. Index.

servum potestatis] Ernesti calls it 'durum,' but he rightly explains it as equivalent to 'obnoxium potestati vestrae.'

alterius] Abrami proposed to write 'alterutrius.'

DE PROVINCIIS CONSULARIBUS

ORATIO.

INTRODUCTION.

In the tribunate of C. Sempronius Gracchus (B.C. 123) a Lex was enacted, pursuant to which before the Consular Comitia of each year, the senate named two provinces which the consuls who might be elected were to have after the expiration of their office. The provinces were named Consulares; and the senate could select out of all the provinces the two which should be assigned to the future consuls. The consules designati determined by lot which consular province each should have (Verr. ii. 3, c. 95). In the matter of the consular provinces the Tribuni had no power of Intercessio, as they formerly had (Livy, xxxii. 28). The praetorian provinces were assigned during the year of the praetors' office, and in this matter, as it seems, the tribunes retained the power of Intercessio (De Prov. Cons. c. 7 and 15). According to this arrangement about the consular provinces, there was an interval of about a year and a half between the determination of the consular provinces and the time when the consuls took possession of them, the consular comitia being generally held about the month of July.

In B.C. 56 when the question of the consular provinces came before the senate, Cicero was asked his opinion. At this time Gabinius had the province of Syria and Piso had Macedonia, and their administration had been very bad. Cicero hated both of them and with good reason, for he says that they got their provinces not in the regular way, but pursuant to a Lex Clodia, and as their reward for helping Clodius to drive Cicero out of Rome. Caesar at this time (B.C. 56) held the two Galliae and was continuing his victorious career. Accordingly Cicero proposed that the provinces of Syria and Macedonia should be given to the consuls who would be elected in that year, and that they should be Praetoriae provinciae in the year which would intervene between the

election of the consuls and the time of the consuls taking possession of them, and during this interval should be administered by praetors. He also was of opinion that Caesar should keep his two provinces (c. 6 and 7).

Though Cicero had reason to complain of Caesar's behaviour towards him in the matter of his exile from Rome, he thought it prudent now to support his interests; and two years later (B.C. 54) we find his brother Quintus in Gallia, as one of Caesar's legati.

Caesar had received his provinces for five years, to the end of B.C. 54, but Caesar's enemies at Rome wished to recall him before the time. The consul Marcellinus proposed to take from Caesar at least Gallia Cisalpina (c. 7), and there were various other proposals, as the oration shows. Crassus (Ad Fam. i. 9) defended Gabinius against Cicero's attacks, and Cicero replied in bitter language. Nothing was done as to Caesar's provinces, and in the next year (B.C. 55) he got them for five years more. Gabinius also was not superseded for the present, but Piso was in B.C. 55 (In Pison. c. 36).

The speech and the letters of Cicero, particularly the long letter to Lentulus (Ad Fam. i. 9), explain the matter plain enough. The oration Pro Sestio also, if it has been read, will help to explain this.

This oration is edited by Baiter in the second edition of Orelli's Cicero.

The following are the MSS. to which he refers:—

P = cod. Parisinus num. 7794 a Duebnero et ab Halmio collatus.

G = cod. Gemblacensis, nunc Bruxellensis, num. 5345 a me collatus.

E = cod. Erfurtensis, nunc Berolinensis apud Wunderum p. 53 sqq. et Freundium p. 40 sq.

C = codices PGE inter se consentientes.

In P. the Inscriptio Orationis is In Senatum de Provintiis Consularib.

M. TULLII CICERONIS

DE

PROVINCIIS CONSULARIBUS

IN SENATU ORATIO.

I. Si quis vestrum, patres conscripti, exspectat quas sim provincias decreturus, consideret ipse secum qui mihi homines ex provinciis potissimum detrahendi sint: non dubitabit quid sentire me conveniat, quum quid mihi sentire necesse sit cogitarit. Ac si princeps eam sententiam dicerem, laudaretis profecto: si solus, certe ignosceretis; etiamsi paullo minus utilis vobis sententia videretur, veniam tamen aliquam dolori meo tribueretis. Nunc vero, patres conscripti, non parva afficior voluptate, vel quod hoc maxime rei publicae conducit Syriam Macedoniamque decerni, ut dolor meus nihil a communi utilitate dissentiat, vel quod habeo auctorem P. Servilium, qui ante me sententiam dixit, virum clarissimum et quum in universam rem publicam, tum etiam erga meam salutem fide ac benevolentia singulari. Quod si ille et paullo ante, et quotiescumque ei locus dicendi ac potestas fuit, Gabinium et Pisonem, duo rei publicae portenta ac paene funera, quum propter alias caussas, tum maxime propter illud insigne scelus eorum et impor-

1. *provincias*] "provintias, P.: sic plerumque" (Baiter). I have often noticed this orthography; which is the genuine form of the word. Index, Vol. iii.—'dolori:' his resentment for the wrongs which Piso and Gabinius had done him in their consulship, during which he was driven from Rome by Clodius' agitation.

decerni] He has just said 'decreturus.' The question before the senate was what provinces should be assigned (decretae) to the consuls who were going to be elected at the next comitia.—'auctorem P. Servilium:' Isauricus, the oldest of the consulares, who accordingly was first called on to deliver his opinion. He had served Cicero in the matter of his return from exile. (Quum Senatui, c. 10, and the note; and Pro Sestio, c. 62, Vol. iii.)

tunam in me crudelitatem, non solum sententia sua, sed etiam verborum gravitate esse notandos putavit, quonam me animo in eos esse oportet, cujus illi salutem pro pignore tradiderunt ad explendas suas cupiditates? Sed ego in hac sententia dicenda non parebo dolori meo, non iracundiae serviam. Quo animo unus quisque vestrum debet esse in illos, hoc ero: praecipuum illum et proprium sensum doloris mei, quem tamen vos communem semper vobis mecum esse duxistis, a sententia dicenda amovebo, ad ulciscendi tempora reservabo.

II. Quattuor sunt provinciae, patres conscripti, de quibus adhuc intelligo sententias esse dictas: Galliae duae, quas hoc tempore uno imperio videmus esse conjunctas, et Syria et Macedonia, quas vobis invitis et oppressis pestiferi illi consules pro eversae rei publicae praemiis occupaverunt. Decernendae nobis sunt lege Sempronia duae. Quid est quod possimus de Syria Macedoniaque dubitare? Mitto quod eas ita partas habent ii qui nunc obtinent, ut non ante attigerint quam hunc ordinem condemnarint, quam auctoritatem vestram e civitate exterminarint, quam fidem publicam, quam perpetuam populi Romani salutem, quam me ac meos omnes foedissime crudelissimeque vexarint. Omnia [illa] domestica atque urbana mitto, quae tanta sunt ut numquam Hannibal huic urbi tantum mali optarit quantum illi effecerint. Ad ipsas venio provincias, quarum Macedonia, quae erat antea munita plurimorum

explendas] "cod. Car. Stephani" (Baiter). The MSS. reading is 'expiandas,' and there is one reading 'expiendas.' A blunder has often been made in this word.—'ad ulciscendi tempora:' he means when these two villains shall be brought to trial for their misdeeds.

2. *Galliae duae*] Gallia Cisalpina and Gallia Ulterior or Transalpina, which were given to Caesar for five years, together with Illyricum (B.C. 59).—'eversae:' 'perversae' P. Baiter. As to the compact between P. Clodius and the consuls Gabinius and Piso, see Pro Sestio, c. 10, and c. 24.—'lege Sempronia:' see the Introduction.

hunc ordinem condemnarint] The allusion is to the conspirators whom the senate condemned to death. Cicero was condemned, or rather punished for what he had done in this matter, and those who condemned him, condemned the senate, for the senate ordered the execution of the conspirators.—'fides publica:' 'fides publica' is the promise given by the state or on the part of the state (See In Cat. iii. c. 4, note.) 'Fides publica' here means, as Manutius says, the 'fides' given by the senate to Cicero, when he put the conspirators to death by their order; a promise not given in direct words, but implied; for they by ordering the conspirators' punishment were the real punishers. Garatoni compares Pro Sestio, c. 22: "vivit mecum simul exemplum fidei publicae," &c.

Omnia [*illa*]] P. omits 'illa,' and Baiter.—'Macedonia:' many Roman generals had fought in Macedonia, and triumphed for their victories; T. Quintius Flamininus, L. Paullus (B.C. 168), Q. Caecilius Metellus, who got the cognomen Macedonicus, and others.—'pax erepta:' the greediness of the governor led him to attack the barbarians who bordered on Macedonia, the Thracians and the Dardani; or as it is said, Pro Sestio, c. 43 (and the note), he made them pay him a sum of money to let them alone, and then allowed them to plunder Macedonia to get the means of paying him. The charge is vague.

imperatorum non turribus, sed tropaeis, quae multis victoriis erat jamdiu triumphisque pacata, sic a barbaris quibus est propter avaritiam pax erepta vexatur, ut Thessalonicenses positi in gremio imperii nostri relinquere oppidum et arcem munire cogantur; ut via illa nostra, quae per Macedoniam est usque ad Hellespontum militaris, non solum excursionibus barbarorum sit infesta, sed etiam castris Thraciis distincta ac notata. Ita gentes eae, quae ut pace uterentur vim argenti dederant praeclaro nostro imperatori, ut exhaustas domos replere possent pro empta pace bellum nobis prope justum intulerunt.

III. Jam vero exercitus ille noster superbissimo delectu et durissima conquisitione collectus omnis interiit. Magno hoc dico cum dolore. Miserandum in modum milites populi Romani capti, necati, deserti, dissipati sunt, incuria, fame, morbo, vastitate consumpti, ut, quod est indignissimum, scelus imperatoris in poenam exercitus expetitum esse videatur. Atque hanc Macedoniam, domitis jam gentibus finitimis barbariaque compressa pacatam ipsam

Thessalonicenses] Thessalonica was originally named Therme, one of the chief towns in Macedonia at the head of the gulf of Therme, on the slope of a hill, and the modern Saloniki. Thessalonica was on the Via Egnatia, the road which ran from Dyrrhachium on the Hadriatic through Lychnidus, Heraclea Lyncestis, Edessa, Thessalonica, Amphipolis, and Philippi to Byzantium. (Strabo, p. 322.) This was the great Roman military road to the east, one of their great works, which was made soon after the conquest of Macedonia, for it existed in Polybius' time, who is Strabo's authority for what he says about it. Strabo speaks only of the road from Apollonia to the Hebrus, the length of which was 535 M.P., all measured and marked with mile-stones. A branch of this road began at Apollonia and joined the road from Dyrrhachium.

Thraciis] 'Thraeciis,' Baiter. 'Infesta' in its passive sense, 'infested,' which we have borrowed (Pro Caelio, c. 4).—'ut pace uterentur:' 'that they might have peace;' one of the many examples of the use of 'uti.' Caesar (B. G. iii. 22) says "repulsus in oppidum tamen uti eadem deditionis conditione uteretur ab Crasso impetravit." This Thracian invasion of Macedonia was almost like a regular war (prope justum), as he says.

3. *delectu*] 'dilectu' Baiter. The commentators do not agree about the meaning of 'superbissimo.' Manutius takes it to mean 'most fastidious,' or something of the kind; a levying of men in which only the best and choicest were taken. He gives an example from Cicero in which he speaks of the 'judicium aurium' as being 'superbissimum' when it is offended with the least faults. But I think Abrami's explanation is right. He takes it to mean 'most strict and severe.' Cicero says (In Pison. c. 16): "Habebas exercitum tantum quantum tibi non senatus aut populus Romanus dederat, sed quantum tua libido conscripserat;" and again, c. 24: "quum orbabas Italiam juventute."

vastitate] By being in desert places where there was neither food nor shelter. A passage in the In Pisonem, c. 35, may be compared with this: "tua scelera Dii immortales in nostros milites expiaverunt." The words 'scelus . . . expetitum esse' are difficult to explain. G. E. have 'expetitus esse,' and Gulielmius proposed to read 'exercitus expetisse videatur,' explaining the use of 'expetisse' by similar uses in Plautus. Either this emendation must be accepted or that of 'expiatum esse' founded on the passage in the In Pisonem, and mentioned by Baiter.

barbaria] See Vol. iii. Index.—'sine imperio:' a legatus who held a province 'sine imperio.' The 'imperium' was the authority given by the state to a proconsul or propraetor, by virtue of which he exercised unlimited authority civil and military, as it is said by Cicero, Phil. v. 16. It could be given to a person below the rank of a

per se et quietam, tenui praesidio atque exigua manu etiam sine imperio per legatos nomine ipso populi Romani tuebamur; quae nunc consulari imperio atque exercitu ita vexata est, vix ut se possit diuturna pace recreare: quum interea,—quis vestrum hoc non audivit, quis ignorat Achaeos ingentem pecuniam pendere L. Pisoni quotannis, vectigal ac portorium Dyrrhachinorum totum in hujus unius quaestum esse conversum, urbem Byzantiorum vobis atque huic imperio fidelissimam hostilem in modum esse vexatam? quo ille, posteaquam nihil exprimere ab egentibus, nihil ulla vi a miseris extorquere potuit, cohortes in hiberna misit; iis praeposuit, quos putavit fore diligentissimos satellites scelerum, ministros cupiditatum suarum. Omitto jurisdictionem in libera civitate contra leges senatusque consulta; caedes relinquo, libidines praetereo, quarum acerbissimum exstat indicium et ad insignem memoriam turpitudinis et paene ad justum odium imperii nostri, quod constat nobilissimas virgines se in puteos abjecisse et morte voluntaria necessariam turpitudinem depulisse. Nec haec idcirco omitto, quod non gravissima sint, sed quia nunc sine teste dico. IV. Ipsam vero urbem

praetor, for instance to a quaestor, who then had his province 'pro praetore,' as Sallust expresses it (Cat. c. 19).

quae nunc consulari imperio] 'which now though it is held by a man with consular imperium and an army;' a use of the Latin ablative, which is very common. Here the ablative is opposed to 'tenui praesidio,' &c.—'vix ut:' 'ut vix' G[2]; but the other is the more emphatic and the true order, as in Caesar, B. G. i. 6, "unum (iter) . . . angustum et difficile, vix qua singuli carri ducerentur;" B. G. i. 25, "multi ut diu," &c., and B. G. iii. 4, "vix ut his rebus," &c. So other words are put in a like order for the purpose of emphasis, as Cicero (Ad Att. ii. 8), "spes ut nulla sit;" Pro Caelio, c. 31, "plus ut." By observing the position of words in a Latin sentence we learn the reason of their being placed as they are.

Achaeos] This passage shows that at this time Achaea was included in the Provincia Macedonia, or at least was administered by a legatus under the orders of the proconsul. See Vol. iii., note on Achaia, and In Pisonem, c. 16. We have no authority for the limits of the Roman Macedonia except Ptolemaeus (iii. 13, § 12). On the north was Dalmatia and Moesia; Dalmatia being separated from Macedonia by the river Drilo (Drino), and Moesia by the range of Scordus: on the west the Hadriatic was the boundary; on the south Epirus and the range of Pindus and Oeta to the Maliac Bay; on the east the river Nestus. Macedonia, as we see from this passage, also comprehended part of the Illyrian coast, for the towns of Apollonia and Dyrrhachium were under Piso's administration. Cicero tells us that the governor applied to his own use the vectigal and portorium of Dyrrhachium. Compare Pro Sestio, c. 43: "cogere pecunias maximas a Dyrrhachinis, spoliare Thessalos, certam Achaeis in singulos annos pecuniam imperavisse."

jurisdictionem] or 'juris dictionem.' Byzantium being a 'libera civitas,' or a state whose freedom was secured by a Lex or a Senatus consultum, was freed from the duty of receiving a Roman garrison, and had the administration of justice (jurisdictio) according to its own laws, which in Greek is named *αὐτονομία*. Hence such a state is called on medals *ἐλευθέρα καὶ αὐτονόμος*. Polybius (xviii. 29) expresses their condition thus: *ἡ σύγκλητος ἡ Ῥωμαίων καὶ Τίτος Κοΐντιος—ἀφιᾶσιν ἐλευθέρους, ἀφρουρήτους, ἀφορολογήτους, νόμοις χρωμένους τοῖς πατρίοις Κορινθίους*, &c.

necessariam] Which they could not avoid except by death (Abrami). Lambinus says that 'nefariam' is wanting in two MSS.; but there seems to be no authority for the reading 'nefariam' in place of 'necessariam.'

Byzantiorum fuisse refertissimam atque ornatissimam signis quis ignorat? quae illi exhausti sumptibus bellisque maximis, quum omnes Mithridaticos impetus totumque Pontum armatum effervescentem in Asiam atque erumpentem ore, repulsum et cervicibus interclusum suis sustinerent, tum, inquam, Byzantii et postea signa illa et reliqua urbis ornamenta sanctissime custodita tenuerunt, te imperatore infelicissimo et taeterrimo, Caesonine Calventi, civitas libera et proximis suis beneficiis a senatu et a populo Romano liberata sic spoliata atque nudata est, ut, nisi C. Vergilius legatus vir fortis et innocens intervenisset, unum signum Byzantii ex maximo numero nullum haberent. Quod fanum in Achaia, qui locus aut lucus in Graecia tota tam sanctus fuit, in quo ullum simulacrum, ullum ornamentum reliquum sit? Emisti a foedissimo tribuno plebis tum in illo naufragio hujus urbis, quam tu idem qui gubernare debueras everteras, tum, inquam, emisti grandi pecunia, ut tibi de pecuniis creditis jus in liberos populos contra senatus consulta et contra

4. *quum omnes*] Baiter added 'omnes,' following Halm, the authority for which is a reading 'cumnis.'

erumpentem ore] E. has 'erumpentem more.' In some editions there is 'aegre' for 'ore.' 'Ore' belongs to 'erumpentem,' as Baiter supposes, following Madvig. Cicero represents Pontus as falling on Byzantium with open mouth, but repelled. The word 'suis' refers to the Byzantii. If Cicero had said 'cervicibus suis' only, the meaning would have been clearer. Livy says (22, c. 33): "etsi bellum ingens in cervicibus erat;" 'on their backs,' as we say. Cicero says (Verr. ii. 5, c. 42): "quum istius avaritiae poenam collo et cervicibus suis sustinerent." See also Pro Sestio, c. 66; Pro Milone, 28, "a cervicibus vestris reppuli;" and In Cat. 3, c. 7. If 'interclusum' means 'stopped,' 'checked,' it seems out of place. It should follow 'suis,' because the meaning is 'cervicibus . . sustinerent.'

Caesonine] This is intended as a term of reproach. See Quum Senatui, c. 6, and the note, Vol. iii.—'proximis:' C. Baiter following Madvig writes 'pro eximiis,' which is an ingenious alteration. Piso, like Verres, had a taste for art; or perhaps he intended to sell the statues. G. has Vergilius; P. E. have Virgilius. He is an unknown person.

in illo naufragio] In P. Clodius' tribuneship. Cicero says that Piso gave Clodius money to get a Lex enacted by which he should have 'jurisdictio' over the 'liberae civitates.' A Lex of C. Julius Caesar, Piso's son-in-law, 'De Provinciis,' had recognized the privileges of the 'liberae civitates,' and made various regulations for the better administration of the provinces. Cicero often alludes to this Lex (In Pison. c. 16, and 24). Cicero says that Piso obtained jurisdiction over the 'liberi populi' in matters of 'pecuniae creditae,' or debts generally. Cicero says 'pecuniae creditae,' but he means 'res' also; as the later writers expressed it (De Rebus creditis, Dig. 12, tit. 1). It would be foreign to the subject to examine fully the sense of 'credere' in such legal transactions as are the foundation of a 'condictio.' It is done by Savigny, Das Heut. Röm. Recht, v. p. 512. The following which is from him will be useful: "The original signification of creditor and debitor applies to a claim which arises out of a loan of money; from this the term is extended to the general notion of claims, for which there was no other name, and this extended use of the word then became the common use: (Dig. 50. 16. 10;) 'Sed et si non sit mutua pecunia, sed contractus, creditores accipiuntur;' and (11): 'Creditorum appellatione non hi tantum accipiuntur qui pecuniam crediderunt, sed omnes quibus ex qualibet causa debetur.' The words which are opposed to one another, plainly show that the limitation of the expression to a loan was the proper and original sense, and that it was only necessity which brought the Romans to adopt the more extended meaning, and then to treat it as the regular meaning" (p. 513, note). See Verr. ii. 5, c. 14, note on 'datum . . . creditum,' Vol. i.

legem generi tui dicere liceret: id emptum ita vendidisti, ut aut jus non diceres aut bonis cives Romanos everteres. Quorum ego nihil dico, patres conscripti, nunc in hominem ipsum; de provincia disputo. Itaque omnia illa, quae et saepe audistis et tenetis animis, etiam si non audiatis, praetermitto: nihil de hac ejus urbana quam ille praesens in mentibus vestris oculisque defixit audacia loquor; nihil de superbia, nihil de contumacia, nihil de crudelitate disputo. Lateant libidines ejus illae tenebricosae, quas fronte et supercilio, non pudore et temperantia contegebat: de provincia quod agitur id disputo. Huic vos non summittetis? hunc diutius manere patiemini? cujus, ut provinciam tetigit, sic fortuna cum improbitate certavit, ut nemo posset utrum posterior an infelicior esset judicare. An vero in Syria diutius est Semiramis illa retinenda? cujus iter in provinciam fuit ejusmodi, ut rex Ariobarzanes consulem vestrum ad caedem faciendam tamquam aliquem Thracem conduceret. Deinde adventus in Syriam primus equitatus habuit interitum: post concisae sunt optimae cohortes. Igitur in Syria imperatore illo nihil aliud neque * * actum est nisi pactiones pecuniarum cum tyrannis, decisiones, direptiones, latrocinia, caedes, quum palam populi Romani imperator instructo exercitu dexteram tendens non

tenebricosae] Cicero is full of such allusions to Piso's habits (In Pison. c. 6; Pro Sestio, c. 9, 10), and to his grave, solemn, and hypocritical looks.

summittetis] 'will you not send him a successor, supersede him?' Piso was both bad and unlucky. 'Felicitas,' or good fortune, was part of a man's qualifications for government. Pro Sex. Rosc. Am. c. 8, note; De Imp. Cn. Pomp. c. 10, note.—'posterior:' C. Lambinus altered it to 'protervior,' which Baiter has. He observes that 'posterior' is supported by a fragment of C. Gracchus (Gellius xv. 12, "omnium natorum postremissimum nequissimumque"), and by the In Pison. c. 27. But he adds that the passage in Gracchus is different, and that in the In Pisonem is corrected from the Cod. Vat. Still 'posterior' may be right, I think.

Semiramis illa] Gabinius in Syria, like the famed Assyrian queen of mythical memory. "On account of his effeminacy," says Klotz, "Cicero very appropriately compares Gabinius, who now governed Syria, with the well-known Assyrian queen Semiramis;" with the queen whose story represents her as a warrior and a masculine woman. Very appropriate indeed. But it is not our business to find propriety in all that Cicero says, particularly in his abuse.—'Ariobarzanes:' the name of some of the Cappadocian kings. This was Ariobarzanes II., Philopator, who was afterwards assassinated. — 'concisae sunt:' compare Pro Sestio, c. 33. Cicero speaks of Gabinius' losses in Syria. Josephus (B. J. i. 6) says that Gabinius was successful in an expedition against Alexander, the son of Aristobulus. Perhaps Gabinius sustained some loss in this expedition, and Cicero does not care to speak of his success.

neque * *] A word appears to have dropped out. Madvig writes 'neque cogitatum neque actum.' The 'tyranni' were Ariobarzanes, Hyrcanus the Jew, and others mentioned by Josephus (Antiq. Jud. xiv. 11, referred to by Abrami).—'decisiones:' 'terms,' and 'final settlements,' by which Gabinius got something. See Vol. i. Index, 'decidere.' Gabinius did nothing but rob and plunder, as Cicero says (In Pison. c. 17).

dexteram tendens] As a Roman general when he addressed his men. This was an 'allocutio,' which we see represented on coins (on one of Galba, for instance), where the general is standing on an elevated place (suggestus), and addressing the soldiers. Here Gabinius uses the attitude, but for a

ad laudem milites hortaretur, sed omnia sibi et empta et emenda esse clamaret. V. Jam vero publicanos miseros—me etiam miserum illorum ita de me meritorum miseriis ac dolore,—tradidit in servitutem Judaeis et Syris, nationibus natis servituti. Statuit ab initio, et in eo perseveravit, jus publicano non dicere: pactiones sine ulla injuria factas rescidit, custodias sustulit, vectigales multos ac stipendiarios liberavit; quo in oppido ipse esset aut quo veniret, ibi publicanum aut publicani servum esset vetuit. Quid multa? crudelis haberetur, si in hostes animo fuisset eo quo fuit in cives Romanos ejus ordinis praesertim, qui est semper dignitate sua, benignitate magistratus sustentatus. Itaque, patres conscripti, videtis non temeritate redemptionis aut negotii gerendi inscitia, sed avaritia, superbia, crudelitate Gabinii paene afflictos jam atque eversos publicanos; quibus quidem vos in his angustiis aerarii tamen subveniatis necesse est, etsi jam multis non potestis, qui propter illum hostem senatus, inimicissimum ordinis equestris bonorumque omnium, non solum bona, sed etiam honestatem miseri deperdiderunt; quos non parsimonia, non continentia, non virtus, non labor, non splendor tueri potuit contra illius helluonis et praedonis audaciam. Quid, qui se etiam nunc subsidiis patrimonii aut amicorum liberalitate sustentant, hos perire patiemur? An si qui frui publico

different purpose, as if he were bidding at an auction. At auctions the bidder raised his hand or a finger, the expression was 'digito liceri' or 'digitum tollere.'

5. *publicanos miseros*] They were of the equestrian class, to whom Cicero belonged. They supported him in his consulship and in the time of his troubles with Clodius. Cicero tells us vaguely what Gabinius did: he did not favour the Publicani, or farmers of the revenues; and he favoured the Judaei and Syri in some way; he relieved them of some payments. Cicero charges Gabinius with refusing the Publicani the legal means of obtaining their dues (jus publicano non dicere). He rescinded those agreements (pactiones) between the tax payers and the tax collectors which had been fairly made. (Verr. ii. 3, c. 47, note on Pactiones). The words 'custodias sustulit' are supposed by some commentators to mean prisons; and so he forbade any debtor of the Publicani to be imprisoned. The word has this meaning in the Verrine orations. But in the oration De Imp. Cn. Pompeii, c. 6, the word 'custodiae' has a different meaning. Abrami has perhaps given the right explanation: he ordered the small buildings (casulae, toll-houses) to be taken down, which the Publicani had built on the approaches to bridges or at the termination of roads or in the harbours for the convenience of the slaves of the Publicani and their collectors. Thus Matthew was sitting at the toll-house (καθήμενον ἐπὶ τὸ τελώνιον) when Jesus called him (Matth. ix. 9).

vectigales] He released people from the payment of vectigal and stipendium. See Vol. i. Index, Vectigal, Stipendiarii.

temeritate redemptionis] The Publicani (of Syria, we must suppose, or those who had farmed the revenues of Syria) were nearly insolvent, not because they had rashly given too much for their farm (redemptio), but through Gabinius' behaviour to them. Sometimes the Publicani did bid too much, and wanted to have the bargain undone (Ad Att. i. 17).—'in his angustiis aerarii:' the aerarium had been exhausted, as he has told us elsewhere, by the measures of P. Clodius, and by those of Vatinius and Caesar. Money had been given to Caesar also for his Gallic war.

honestatem deperdiderunt] Have lost their character, because they have become insolvent. In the Pro Sestio, c. 51, he has "omnes honestates civitatis."

frui publico] 'To enjoy what they have

non potuit per hostem, hic tegitur ipsa lege censoria: quem is frui non sinit, qui est, etiam si non appellatur, hostis, huic ferri auxilium non oportet? Retinete igitur in provincia diutius eum, qui de sociis cum hostibus, de civibus cum sociis faciat pactiones, qui hoc etiam se pluris esse quam collegam putet, quod ille vos tristitia vultuque deceperit, ipse numquam se minus quam erat nequam esse simularit. Piso autem alio quodam modo gloriatur se brevi tempore perfecisse, ne Gabinius unus omnium nequissimus existimaretur.

VI. Hos vos de provinciis, si non aliquando deducendi essent, deripiendos non putaretis? et has duplices pestes sociorum, militum clades, publicanorum ruinas, provinciarum vastitates, imperii maculas teneretis? At iidem vos anno superiore hos eosdem revocabatis, quum in provincias pervenissent. Quo tempore si liberum vestrum judicium fuisset nec toties dilata res nec ad extremum e manibus erepta, restituissetis, id quod cupiebatis, vestram auctoritatem, iis per quos erat amissa revocatis, et iis ipsis praemiis extortis, quae erant pro scelere atque eversione patriae consecuti: qua e poena si tum aliorum opibus, non suis, invitissimis vobis, evolarunt, at aliam multo majorem gravioremque subierunt. Quae enim homini, in quo aliqui si non famae pudor, at supplicii timor est, gravior poena accidere potuit, quam non credi litteris iis quae rem bene gestam in bello nuntiarent? Hoc statuit senatus, quum frequens supplicationem Gabinio denegavit: primum, homini sce-

bought, the collection of the vectigalia and portoria.' 'Publicum' is the 'vectigalia,' for which the Romans also say Publica (De Domo, c. 28; Dig. 39. 4. 1, "qui publico fruuntur"). If a Publicanus is prevented by a hostile force from enjoying what he has agreed to pay for, he is protected by the terms of his contract (lege censoria), and not bound to pay when he cannot enjoy. Abrami quotes a passage in the Digest to explain this, but as he did not understand any thing about law, his quotation is beside the mark. It was a rule of Roman law in contracts for rent, that a tenant was not bound to pay if any 'vis major' prevented him from reaping. Ulpian (Dig. 19. 2. 15, § 2) says: "Servius: omnem vim cui resisti non potest dominum colono praestare debere ait, ut puta fluminis, graculorum, sturnorum et si quid simile acciderit aut si incursus hostium fiat."

6. *deducendi . . . deripiendos*] 'recalled' or 'driven out by force'—'anno superiore:' in B.C. 57, when Lentulus, Cicero's friend, was consul; and he may have proposed to recall the men, as Manutius supposes. If this had been done, they would have lost their provinces, which, as Cicero says, were the rewards (praemia) of their services to Clodius and their bad conduct to himself.

aliorum opibus] Pompeius, it is said, supported Gabinius, and Caesar's interest protected his father-in-law, Piso.—'litteris iis:' 'publicae literae,' or 'litterae' sent 'publice,' as Cicero elsewhere expresses it; despatches from a governor to the senate. The senate refused Gabinius a 'supplicatio,' as Cicero says here, and in a letter to his brother (Ad Q. Fr. ii. 8): "Idibus Maiis Senatus frequens divinus fuit in supplicatione Gabinio deneganda." He says however in this letter that he was at Antium, when the senate refused the 'supplicatio;' glad it was refused, glad too that he was out of the way, and that it was done without him. He was afraid of Pompeius and Caesar. Comp. In Pisonem, c. 17.

leribus flagitiisque contaminatissimo nihil esse credendum; deinde a proditore, atque eo quem praesentem hostem rei publicae cognosset, bene rem publicam geri non potuisse: postremo ne deos quidem immortales velle aperiri sua templa et sibi supplicari hominis impurissimi et sceleratissimi nomine. Itaque ille alter aut ipse est homo doctus et a suis Graecis subtilius eruditus, quibuscum jam in exostra helluatur, antea post siparium solebat, aut amicos habet prudentiores quam Gabinius, cujus nullae litterae proferuntur.

VII. Hosce igitur imperatores habebimus? quorum alter non audet nos certiores facere, ne imperator appelletur: alterum, si tabellarii non cessarint, necesse est paucis diebus poeniteat audere. Cujus amici si qui sunt, aut si belluae tam immani tamque taetrae possunt ulli esse amici, hac consolatione utuntur, etiam T. Albucio supplicationem hunc ordinem denegasse. Quod est primum dissimile, res in Sardinia cum mastrucatis latrunculis a propraetore una cohorte auxiliaria gesta, et bellum cum maximis Syriae gentibus [et] tyrannis consulari exercitu imperioque confectum. Deinde

aperiri sua templa] Comp. In Pison. c. 3. —'exostra:' Baiter gives no variation. There was a reading 'orchestra,' which is a conjecture of the 'neoterici,' says Gruter, who adds that the old editions have 'exedra.' An 'exostra' is explained to be a stage machine, which is moveable on wheels, so that what is going on inside may be shown to the spectators. A 'siparium' is a curtain. Piso now revels in public with his Greeks, though before he used to go behind a curtain. Piso was either wise enough to send no despatches, as Gabinius had done, or he had friends wiser than himself, who kept them back (In Pison. c. 17). Decimus Brutus, in a letter to Cicero (xi. 19, referred to by Abrami) says: "Ad senatum quas literas misi velim prius perlegas, et si qua tibi videbuntur commutes."

7. *facere, ne imperator*] The common reading is 'facere ne imperator.' P[1]. E. omit 'ne.' See In Pison. c. 16. Ant. Augustinus proposed 'facere cur imperator,' a bad alteration; and Halm proposes 'facere num imperator,' which is worse. If the text is right, Cicero says that Piso dares not send us a despatch, for fear of being entitled Imperator; which was indeed the very thing that he wanted, but Cicero is joking, rather heavily however. For there is little point in saying that 'Piso does not dare to write to us for fear of being addressed as Imperator.'

si tabellarii] If the letter-carriers who take him the news of the senate's refusal to grant him a 'supplicatio' shall not be tardy. This is Manutius' explanation. Abrami says that it is the tabellarii from Gabinius bringing letters about a victory; 'for he will then soon repent of having sent these letters, when he shall get the answer of the senate's refusal.' But this is not the meaning.

T. Albucio] He was propraetor of Sardinia, when he had this humiliation.

Quod est primum dissimile] G. E. 'Quid est' P. 'Quid? Est,' Garatoni, Baiter. But this alteration is founded on a misunderstanding of the text, which means 'now this (quod) in the first place is quite a different thing, an affair (res),' &c. He then says 'deinde Albucius.'—'mastrucatis:' a mastruca or mastruga was a coarse dress of skins, which the Sardinians wore, and wear still in some parts of the island, a cloak or jacket of undressed sheep or goats' skins with the fleece outside. Strabo (Lib. v. p. 225) also mentions this practice. He says "that there are rams in Sardinia which have goats' hair instead of wool, and are called musmones: in the skins of these animals they defend themselves." He is speaking of the mouflon or musmon, which has large horns, and lives in Corsica, Sardinia, and some other places.

[*et*] *tyrannis*] 'et' is added by Baiter; and it seems to be wanted.—'Graecum hominem:' Cicero says of Albucius (Brutus, c. 35), "doctus etiam Graecis Tit. Albucius vel potius pene Graecus." And again, De

Albucius, quod a senatu petebat, ipse sibi in Sardinia ante decreverat. Constabat enim Graecum hominem ac levem in ipsa provincia quasi triumphasse: itaque hanc ejus temeritatem senatus supplicatione denegata notavit. Sed fruatur sane hoc solatio, atque hanc insignem ignominiam, quoniam uni praeter se inusta est, putet esse leviorem, dummodo, cujus exemplo se consolatur, ejus exitum exspectet: praesertim quum in Albucio nec Pisonis libidines nec audacia Gabinii fuerit, ac tamen hac una plaga conciderit, ignominia senatus.

Atqui duas Gallias qui decernit consulibus duobus, hos retinet ambo: qui autem alteram Galliam et aut Syriam aut Macedoniam, tamen alterum retinet et in utriusque pari scelere disparem conditionem facit. Faciam, inquit, illas praetorias, ut Pisoni et Gabinio succedatur statim. Si hic sinat: tum enim tribunus intercedere poterit; nunc non potest. Itaque ego idem, qui nunc consulibus iis, qui designati erunt, Syriam Macedoniamque decerno, decernam easdem praetorias, ut et praetores annuas provincias

Fin. i. c. 3, he quotes some verses of Lucilius on the praetor Scaevola saluting Albucius at Athens in Greek.

ejus exitum] Albucius was prosecuted by C. Julius Strabo for Peculatus, tried and convicted. He went into exile and resided at Athens very happy and contented (Cicero, Tusc. v. c. 37): "Quid T. Albucius nonne animo aequissimo Athenis philosophabatur, cui tamen illud ipsum non accidisset, si in re publica quiescens Epicuri legibus paruisset?"

Atqui duas Gallias] Some senator had proposed to give the two Galliae, Caesar's two provinces, to the consuls who should be elected that year, and if this had been done, Caesar would have been superseded. Some proposed to take one province from him, and either Syria from Gabinius or Macedonia from Piso; but Cicero says, this would be treating two men differently, though they were both equally deserving of being recalled.

Faciam, inquit] He who had proposed to take the two Galliae for the consuls who were going to be elected, is supposed to reply to Cicero's objection: "I will make them (Syria and Macedonia) praetorian, the consequence of which will be that Piso and Gabinius will be immediately superseded." Cicero rejoins: "Yes, if he who is here (pointing to him) will allow," the tribune to whom he pointed; "for then he will interpose his veto; now he cannot." He could not put his veto on the nomination of the two consular provinces. In place of 'si hic sinat' Halm proposed 'si hoc sinatur,' which Baiter has prudently not accepted.

decernam easdem] Cicero proposes to give Syria and Macedonia to the Consules designati of that year, but as they could not enter on their province until the year of their consular office was expired, he says he will also move that praetors have these provinces for one year, for the next year, so that Gabinius and Piso would be immediately superseded. But he tells us in the beginning of the next chapter that such a motion would be useless, and that Piso and Gabinius will never be superseded, except by means of the Sempronia Lex, by means of the Lex which gave the senate the power of naming annually two Consulares Provinciae, and to which the tribunes could offer no opposition. But this being so, Piso and Gabinius would still stay a year in their provinces, for if their provinces were assigned to the consuls going to be elected, there would still intervene about eighteen months between their election and their entering on the provinces; which has been explained before.—'tempore amisso:' if we lose this opportunity through the tribunitian intercessio, we shall not be able to send a successor before a whole year has passed (Abrami).

habeant, et eos quam primum videamus quos animo aequo videre non possumus. VIII. Sed mihi credite, numquam succedetur illis, nisi quum ea lege referetur, qua intercedi de provinciis non licebit. Itaque hoc tempore amisso annus est integer vobis exspectandus, quo interjecto civium calamitas, sociorum aerumna, sceleratissimorum hominum impunitas propagatur.

Quod si essent illi optimi viri, tamen ego mea sententia C. Caesari succedendum nondum putarem. Qua de re dicam, patres conscripti, quae sentio, atque illam interpellationem mei familiarissimi, qua paullo ante interrupta est oratio mea, non pertimescam. Negat me vir optimus inimiciorem Gabinio debere esse quam Caesari; omnem illam tempestatem, cui cesserim, Caesare impulsore atque adjutore esse excitatam. Cui si primum sic respondeam, me communis utilitatis habere rationem, non doloris mei, possimne probare, quum id me facere dicam, quod exemplo fortissimorum et clarissimorum civium facere possim? An Ti. Gracchus, patrem dico, cujus utinam filii ne degenerassent a gravitate patria, tantam laudem est adeptus, quod tribunus pl. solus ex toto illo collegio L. Scipioni auxilio fuit, inimicissimus et ipsius et fratris ejus Africani, juravitque in contione, se in gratiam non rediisse, sed alienum sibi videri dignitate imperii, quo duces essent hostium Scipione triumphante ducti, eodem ipsum duci qui triumphasset? Quis plenior inimicorum fuit C. Mario? L. Crassus, M. Scaurus alieni: inimici

8. *mei familiarissimi*] L. Philippus the consul (Hotmann). See c. 9.—'Caesare impulsore:' here we learn that it was said that Caesar had been active in driving Cicero from Rome, and it is probable that it was so, for he stayed at the gates of Rome in B.C. 58 till Cicero went into exile; and he had assisted Clodius in his election as tr. pl.

possimne] 'Can I not make my case good?' for so 'possimne' must be translated.—'Ti. Gracchus:' he now goes on in his usual way of citing examples of illustrious men. The story about Ti. Gracchus, the father, is in Livy (38, c. 52). Aulus Gellius (vii. 19) tells the story in the same way as Cicero. He has preserved the Decretum of the eight tribunes for putting L. Scipio Asiaticus in prison, and the Decretum of Gracchus by which he resisted his colleagues. "Juravit palam," says Gellius, "in amicitiam inque gratiam se cum P. Africano non redisse." Gellius adds: "Ejus decreti verba haec sunt: Quum L. Cornelius Scipio Asiaticus triumphans hostium duces in carcerem conjectaverit, alienum videtur esse dignitate rei publicae in eum locum imperatorem populi Romani duci in quem locum ab eo conjecti sunt duces hostium: itaque L. Cornelium Scipionem Asiaticum a collegae vi prohibeo." The tribune who moved in this matter was Q. Manucius Augurinus. 'Auxilio fuit' is the technical expression for the protection which the tribune gave by virtue of his office and his veto.

C. Mario] C. Marius of Arpinum. He had many enemies, for he rose from an obscure place, and was a coarse unlettered soldier. But he was an able general, and Rome called for his services when she wanted them (Vol. ii. p. 417). L. Crassus, one of Marius' enemies, is the great orator Crassus, whose memory is preserved by Cicero in his Brutus and in the treatise De Oratore. All the Metelli were Marius' enemies, because Marius being the legatus of Metellus Numidicus in Africa, and being sent by him to Rome, accused Metellus of prolonging the war against Jugurtha, and got the command transferred to himself (Cic. De Off. iii. 20).—'alieni: inimici:' Madvig's correction adopted by Baiter. There can be no doubt that the 'alini' and 'aliine' of the MSS. ought to be 'alieni.'

omnes Metelli. At ii non modo illum inimicum ex Gallia sententiis suis non detrahebant, sed et propter rationem Gallici belli provinciam extra ordinem decernebant. Bellum in Gallia maximum gestum est: domitae sunt a Caesare maximae nationes, sed nondum legibus, nondum jure certo, nondum satis firma pace devinctae. Bellum affectum videmus et, vere ut dicam, paene confectum; sed ita ut, si idem extrema persequitur qui inchoavit, jam omnia perfecta videamus, si succeditur, periculum sit ne instauratas maximi belli reliquias ac renovatas audiamus. Ergo ego senator, inimicus, si ita vultis, homini, amicus esse, sicut semper fui, rei publicae debeo. Quid, si ipsas inimicitias depono rei publicae caussa, quis me tandem jure reprehendet? praesertim quum ego omnium meorum consiliorum atque factorum exempla semper ex summorum hominum factis mihi censuerim petenda. IX. An vero M. ille Lepidus, qui bis consul et pontifex maximus fuit, non solum memoriae testimonio, sed etiam annalium litteris et summi poetae voce laudatus est, quod cum M. Fulvio collega, quo die censor est factus, homine inimicissimo, in campo statim rediit in gratiam, ut commune officium censurae communi animo ac voluntate defende-

sed et] 'sed et' C.; 'sed ei' Halm, Baiter, with this note: "Omnes loci quos attulit Haasius ad Reisigii Scholas de lingua Latina no. 423. in quibus Cicero *sed et* pro *sed etiam* scripsisse fertur, nunc ex melioribus libris correcti sunt."

Gallici belli] It was the war in Gallia with the Cimbri and Teutones, who were defeated near Aquae Sextiae (Aix), and afterwards in North Italy. Marius was chosen to repel the enemy because the Romans were afraid of the invaders.

maximae nationes] Caesar was now in the third year of his Gallic campaign, and he had defeated the Helvetii, the German king Ariovistus (B. G. i.), and the Belgian confederation (B. G. ii.). Perhaps the news of his victory over the Veneti (B.C. 56) had not reached Rome, when this speech was delivered.

Bellum . . confectum] These words are quoted by Gellius (xv. 5), and in (iii. 16) he says: "*affecta* enim, sicuti M. Cicero et veterum elegantissimi locuti sunt, ea proprie dicebantur quae non ad finem ipsum, sed proxime finem progressa deductave erant. Hoc verbum ad hanc sententiam in Ciceronis oratione fuit, quam dixit de provinciis consularibus."

9. *summi poetae*] Ennius, who accompanied into Aetolia M. Fulvius Nobilior, who was the colleague of Lepidus in the censorship. See Pro Archia, c. 9, note, Vol. iii. Gellius (xii. 8) tells the story of this reconciliation: "Aemilius quoque Lepidus et Fulvius Flaccus, nobili genere amplissimisque honoribus et summo loco in civitate praediti, odio inter sese gravi et simultate diutina conflictati sunt. Postea populus eos simul censores facit; atque illi ubi voce praeconis renuntiati sunt, ibidem in campo statim nondum dimissa contione ultro uterque et pari voluntate conjuncti complexique sunt; exque eo die et in ipsa censura et postea jugi concordia fidissime amplissimeque vixerunt." Abrami has a good note on this Lepidus. He is supposed to be the Lepidus who killed an enemy in battle, and at the same time saved a citizen's life when he was a boy of fifteen. Valerius Maximus (iii. 1) tells the story; and there is a coin of M. Lepidus with a man on horseback and the legend AN. XV. PR. H. O. C. S. which Stephanus Hudelotus explained in conformity with the passage in Valerius (hostem interemit, civem servavit) to mean: "M. Lepidus annorum XV praetextatus hostem occidit civem servavit." Lepidus was consul B.C. 187, 175, and he was elected Pontifex Maximus in B.C. 180. The year of his censorship was B.C. 179. The directions which he gave for his simple funeral (Liv. Ep. 48) shew that he was one of the Romans of the better sort.

rent? Atque ut vetera quae sunt innumerabilia mittam, tuus pater, Philippe, nonne uno tempore cum suis inimicissimis in gratiam rediit? quibus eum omnibus eadem res publica reconciliavit quae alienarat. Multa praetereo, quod intueor coram haec lumina atque ornamenta rei publicae, P. Servilium et M. Lucullum. Utinam etiam L. Lucullus illic adsideret! Quae fuerunt inimicitiae in civitate graviores quam Lucullorum atque Servilii? quas in viris fortissimis non solum exstinxit rei publicae * * dignitasque ipsorum, sed etiam ad amicitiam consuetudinemque traduxit. Quid, Q. Metullus Nepos, nonne consul in templo Jovis optimi maximi, permotus quum auctoritate vestra, tum illius P. Servilii incredibili gravitate dicendi, absens mecum summo suo beneficio rediit in gratiam? An ego possum huic esse inimicus, cujus litteris, fama, nuntiis celebrantur aures quotidie meae novis nominibus gentium, nationum, locorum? Ardeo, mihi credite, patres conscripti, id quod vosmet de me existimatis et facitis ipsi, incredibili quodam amore patriae, qui me amor et subvenire olim impendentibus periculis maximis cum dimicatione capitis, et rursum, quum omnia tela undique esse intenta in patriam viderem, subire coegit atque excipere unum pro universis. Hic me meus in rem publicam animus pristinus ac perennis cum C. Caesare reducit, reconciliat, restituit in gratiam. Quod volent denique homines existiment; nemini ego possum esse bene de re publica merenti non amicus. X. Etenim si iis, qui haec omnia flamma ac ferro delere voluerunt, non inimicitias solum, sed etiam bellum indixi atque intuli, quum partim mihi illorum familiares,

L. Lucullus] the conqueror of Mithridates, the brother of M. Lucullus. Abrami supposes that he must have died this year (B.C. 56), as Cicero speaks of him in the oration In Vatin. (c. 10) as then alive. But the passage in that oration does not prove that Lucullus was then alive. 'Illic adsideret' is a correction of Madvig. The MSS have 'ille desiderat' or 'ille desideret.' The old reading 'ille viveret' does not appear to rest on any authority. The correction of Madvig comes tolerably near to the MSS reading.

Servilii] 'Servili' P. 'Serviliorum' G. E. —'rei publicae dignitasque ipsorum' C. If this reading is right, some word has been lost. The common texts have 'res publica dignitasque ipsorum.' Servilius the augur was prosecuted by the two Luculli L. and M., because he had prosecuted their father. Introduction to the Pro Archia, p. 207, Vol. iii.

Metellus Nepos] All this story is told in the Quum Senatui, c. 9 and 10, and Pro Sestio, c. 62.

celebrantur aures] 'my ears are filled with new names of nations, peoples, places.' When Caesar sent his despatches (litterae) after the Belgian war (B.C. 57), the senate would hear of Bellovaci, Nervii, Veromandui, of the river Axona, and the Sabis, and many names that they had never heard of before. Many messengers would come too, for Caesar had sold fifty-three thousand people in one day (B. G. ii. 33), and the dealers would fill the south of France and North Italy with the proconsul's captives.

subvenire olim] In the affair of Catiline's conspiracy.—'et rursum:' in the consulship of Gabinius and Piso (B.C. 58) when he left Rome. All this he has told us in the oration Pro Sestio, and he often repeats it.

10. *partim . . familiares*] 'Partim' stands like a nominative, and 'familiares' explains it. Some critics suppose 'ad' or

partim etiam me defendente capitis judiciis essent liberati, cur eadem res publica, quae me in amicos inflammare potuit, inimicis placare non possit? Quod mihi odium cum P. Clodio fuit, nisi quod perniciosum patriae civem fore putabam, qui turpissima libidine incensus duas res sanctissimas religionem et pudicitiam uno scelere violasset? Num est igitur dubium ex iis rebus, quas is egit agitque quotidie, quin ego in illo oppugnando rei publicae plus quam otio meo, non nulli in eodem defendendo suo plus otio quam communi prospexerint? Ego me a C. Caesare in re publica dissensisse fateor et sensisse vobiscum; sed nunc iisdem vobis assentior cum quibus antea sentiebam. Vos enim, ad quos litteras L. Piso de suis rebus non audet mittere, qui Gabinii litteras insigni quadam nota atque ignominia nova condemnastis, C. Caesari supplicationes decrevistis, numero ut nemini uno ex bello, honore ut omnino nemini. Cur igitur exspectem hominem aliquem qui me cum illo in gratiam reducat? Reduxit ordo amplissimus et ordo is, qui est et publici consilii et meorum omnium consiliorum auctor et princeps. Vos sequor, patres conscripti, vobis obtempero, vobis assentior; qui, quamdiu C. Caesaris consilia in re publica non maxime diligebatis, me quoque cum illo minus conjunctum videbatis; posteaquam rebus gestis mentes vestras voluntatesque mutastis, me non solum comitem esse sententiae vestrae sed etiam laudatorem vidistis.

XI. Sed quid est quod in hac caussa maxime homines admirentur et reprehendant meum consilium, quum ego idem antea multa decreverim, quae magis ad hominis dignitatem quam ad rei publicae

'quod ad' must be supplied with 'partim.' I think not. See Pro Fonteio, c. 12 note, Vol. ii., in which note Gellius (x. 13) is referred to. Gellius says, "*Partim hominum venerunt*, plerumque dicitur quod significat *pars hominum venit*, id est, *quidam homines*; nam *partim* hoc in loco adverbium est, neque in casus inclinatur, sicuti *cum partim* dici potest, id est, *cum quibusdam hominibus*." In this passage of Cicero, Halm suspects that after 'familiares' the word 'essent' has been lost; and it seems so.

me defendente &c.] It is not known whom he alludes to.

religionem et pudicitiam] The notorious affair of the Bona Dea, to whose sacred rites Clodius got admission in a woman's dress. The senate declared that he had committed an offence against religion ('nefas esse decretum,' Ad Att. i. 13); and Caesar divorced his wife Pompeia with whom Clodius was supposed or said to have an intrigue.

non nulli in eodem] Manutius supposes that he alludes to M. Cato, who, though no friend to P. Clodius, maintained the acts done in Clodius' tribunate; for if all the acts of Clodius had been declared invalid, Cato's own mission to Cyprus must have been declared illegal too.

C. Caesari supplicationes] Caesar (B. G. ii. 35) tells us this. At the close of B.C. 57, when he had carried the Roman arms beyond the Sambre, broken the Belgian confederation in a bloody battle, received the submission of the Veneti and other nations on the Armoric coast, and even ambassadors from the nations beyond the Rhine had been sent to him, he forwarded his despatches to Rome. He says: "ob easque res ex litteris Caesaris dies quindecim supplicatio decreta est, quod ante id tempus accidit nulli." Caesar's 'nulli' and Cicero's 'nemini' occupy the same place in the sentence, and mark the word emphatically.

11. *hominis*] See Vol. ii. Index, on the use of the word 'homo.'—'quindecim . . .

necessitatem pertinerent? Supplicationem quindecim dierum decrevi sententia mea. Rei publicae satis erat tot dierum quot C. Mario: diis immortalibus non erat exigua eadem gratulatio quae ex maximis bellis. Ergo ille cumulus dierum hominis est dignitati tributus. In quo ego, quo consule referente primum decem dierum est supplicatio decreta Cn. Pompeio Mithridate interfecto et confecto Mithridatico bello, et cujus sententia primum duplicata est supplicatio consularis—mihi enim estis assensi, quum, ejusdem Pompeii litteris recitatis, confectis omnibus maritimis terrestribusque bellis, supplicationem dierum duodecim decrevistis — sum Cn. Pompeii virtutem et animi magnitudinem admiratus, quod, quum ipse ceteris omnibus esset omni honore antelatus, ampliorem honorem alteri tribuebat quam ipse erat consecutus. Ergo in illa supplicatione quam ego decrevi, res ipsa tributa est diis immortalibus et majorum institutis et utilitati rei publicae; sed dignitas verborum, honos, et novitas, et numerus dierum Caesaris ipsius laudi gloriaeque concessus est. Relatum est ad nos nuper de stipendio exercitus; non decrevi solum, sed etiam ut vos decerneretis laboravi: multa dissentientibus respondi; scribendo adfui. Tum quoque homini plus

decrevi:' Hotmann proposed to read 'decem,' because Cicero afterwards speaks of the number of days being doubled, but he mistook the meaning. Cicero is speaking of the real number of days. The word 'decrevi' does not prove that Cicero proposed the fifteen days. He voted for them. Yet in the Pro Balbo, c. 27, he seems to say that he proposed it.

C. Mario] After the Cimbrian war. We may conclude that the supplicatio was five days, as Pompeius had ten days after the end of the Mithridatic war. There are numerous instances of supplicationes in Livy, but there seems to have been no rule about the number of days. When Aemilius Paullus defeated Perseus, king of Macedonia, the supplicatio was five days (Liv. 45, c. 2); and this was longer than usual. So if Marius had five days, and Pompeius had ten, Caesar's supplicatio was a triple number. In B.C. 55 he had a supplicatio of twenty days (B. G. iv. 38). The five days was the utmost limit of a consular supplicatio as it seems in former times; for Livy, after speaking of the five days' supplicatio of Aemilius Paullus speaks in the next chapter of a three days' supplicatio for Illyrian victories gained by two legati of the praetor L. Anicius.

dierum duodecim] P. has 'deorum' for 'dierum.' I do not see how 'duodecim' can be explained, though Abrami tries to explain it. It ought to be 'decem.'—'Cn. Pompeii:' he voted for the fifteen days. He was Caesar's son-in-law.

nuper de stipendio] This allowance to Caesar must have been made early in B.C. 56, when the Armoric states had revolted, and he had to build a fleet to oppose them. He says (B. G. iii. 9): "Naves interim longas aedificari in flumine Ligere, quod influit in Oceanum, remiges ex Provincia institui, nautas gubernatoresque comparari jubet." The preparation for the war with the Veneti must have been very expensive. In the winter of B.C. 57 and the beginning of B.C. 56 Caesar was in Illyricum and North Italy. Cicero (Ad Fam. i. 7) writing to Lentulus Procos. says: "Itaque perpaucis adversantibus omnia quae ne per populum quidem sine seditione se assequi arbitrabantur, per senatum consecuti sunt; nam et stipendium Caesari decretum est et decem legati et ne lege Sempronia succederetur facile perfectum est."

scribendo adfui] See Pro Flacco, c. 18, and the note, Vol. iii. It was of course necessary that some senators should be present when the presiding magistrate reduced the determination of the senate to the proper form, which was done after the sitting was ended. (Cicero, In Cat. iii. 6.) The names of those senators who were present at the

tribui quam nescio cui necessitati; illum enim arbitrabar etiam sine hoc subsidio pecuniae retinere exercitum praeda ante parta et bellum conficere posse; sed decus illud et ornamentum triumphi minuendum nostra parsimonia non putavi. Actum est de decem legatis, quos alii omnino non dabant, alii exempla quaerebant, alii tempus differebant, alii sine ullis verborum ornamentis dabant: in ea quoque re sic sum locutus ut omnes intelligerent, me id quod rei publicae caussa sentirem facere uberius propter ipsius Caesaris dignitatem.

XII. At ego idem nunc in provinciis decernendis, qui illas omnes res egi silentio, interpellor, quum in superioribus caussis hominis

drawing up of the SCtum, were prefixed to it. A letter of Cicero (Ad Fam. viii. 8) contains a sample of the form of a SCtum ('scribendo adfuerunt L. Domitius Cn. Filius Ahenobarbus &c.'). See Cicero, De Or. iii. 2. Ad Att. i. 19; vii. 1.

praeda ante parta] He did not get much so far as we see in B.C. 58 in the Helvetic war and in the war with Ariovistus. In B.C. 57 he had sold fifty-three thousand prisoners taken at the capture of the town of the Aduatuci (B. G. ii. 29). What he had got was however to be kept for the triumph says Cicero, on which occasion large sums of money were often brought into the treasury. The splendour of the triumph was increased by the display of the precious metals got in a campaign. Caesar made a great show at his triumph, which he did not celebrate till many years after this date (Appian, B. C. ii. 101). His soldiers received out of the treasure displayed at the triumph what Caesar had promised them, and even more.

Caesar never says any thing in his Commentaries about the money that he received from Rome, nor of his ten legati. It is difficult to make out the number of his legati from his own Commentaries. He mentions nine in B.C. 52 (B. G. vi. 90), at a time when he had ten legions; and accordingly Manutius concludes that he had ten legati. But we do not conclude that a general had ten legati, when he mentions nine only. Caesar may have had ten legati, but we cannot infer that he had that number, because he had ten legions. In B.C. 54 he also mentions nine legati (B. G. v. 24). Hotmann says "Caesar had ten legions in Gallia, each commanded by a legatus, as we learn from Caesar's commentaries." But he had not ten at first. In B.C. 58 he had only six. Not one of the commentators of Cicero that I have fallen on had ever read Caesar's commentaries carefully. Dion Cassius, after speaking of the first two campaigns of Caesar, says (39, c. 25) that the populus admired Caesar's exploits so much that they sent to him senators, as if the Galatae were completely subdued, and were elated to such hopes of what he could do that they voted him a large sum of money. This greatly annoyed Pompeius, who attempted to persuade the consuls not to read Caesar's letters immediately, but to conceal them as long as possible, until the report of them should prevail, and to appoint a successor to Caesar before the proper time. These senators of Dion seem to be the 'decem legati' mentioned by Cicero. It was usual after the conquest of a country for the senate to send ten legati, by and with whose advice the general who commanded regulated the affairs of the country, and settled the form of its administration.

If Cicero means ten legati, ten men to act under Caesar, ten generals in fact, the words 'exempla quaerebant' may be intelligible. If he means ten legati to assist in the settlement of the conquered country, there was no want of precedent in that, for it was the usual thing. But the words 'quos alii non dabant,' and the whole matter, show I think that he means the legati to serve under Caesar.

12. *in superioribus*] Lambinus added 'in,' which is not in C.—'affecta:' see c. 8. —'credo:' ironically as usual. The centre and north of Gallia was yet little known to the Romans, and being cold in winter and a great part of it uncultivated, the country was not very pleasant. Abrami acutely conjectures that the want of 'amoenitas' was rather owing to deficient culture than the poorness of the soil. He is quite right. France contains a very large proportion of good land. He quotes from Varro (De R. R. i. 7) Scrofa's description of Gallia near the Rhine, which is not very attractive.

ornamenta fuerint, in hac me nihil aliud, nisi ratio belli, nisi summa utilitas rei publicae moveat. Nam ipse Caesar, quid est cur in provincia commorari velit, nisi ut ea quae per eum affecta sunt perfecta rei publicae tradat? Amoenitas eum, credo, locorum, urbium pulchritudo, hominum nationumque illarum humanitas et lepos, victoriae cupiditas, finium imperii propagatio retinet. Quid illis terris asperius, quid incultius oppidis, quid nationibus immanius, quid porro tot victoriis praestabilius, quid Oceano longius inveniri potest? An reditus in patriam habet aliquam offensionem? utrum apud populum a quo missus, an apud senatum a quo ornatus est? an dies auget ejus desiderium an magis oblivionem, ac laurea illa magnis periculis parta amittit longo intervallo viriditatem? Quare si qui hominem non diligunt, nihil est quod eum de provincia devocent. Ad gloriam devocant, ad triumphum, ad gratulationem, ad summum honorem senatus, equestris ordinis gratiam, populi caritatem. Sed si ille hac tam eximia fortuna propter utilitatem rei publicae frui non properat, ut omnia illa conficiat, quid ego senator facere debeo, quem, etiam si ille aliud vellet, rei publicae consulere oporteret? Ego vero sic intelligo, patres conscripti, nos hoc tempore in provinciis decernendis perpetuae pacis habere oportere rationem. Nam quis hoc non sentit, omnia alia esse nobis vacua ab omni periculo atque etiam ab omni suspicione belli? Jamdiu mare videmus illud immensum, cujus fervore non solum maritimi cursus, sed urbes etiam et viae militares jam tenebantur, virtute Cn. Pompeii sic a populo Romano ab Oceano usque ad ultimum Pontum tamquam unum aliquem portum tutum et clausum teneri; nationes eas, quae numero hominum ac multitudine ipsa

It is probable that Scrofa was in Gallia with Caesar.

humanitas et lepos] Cicero, Pro Fonteio, c. 14 and 20, has not given the old Gaul a good character; nor has Diodorus (v. 28).

ornatus] 'honoured' with a supplicatio, and other things as we have heard.—'an dies auget:' 'does time (or absence) increase the desire to see him or make him easier forgotten, and does the victorious (illa) bay got by great dangers lose after a long interval its freshness.' The first part of the sentence 'an dies .. desiderium' is opposed to the other two members, but the second part of the second member does not correspond well to the first part. For instead of saying 'oblivionem ac . .' another noun, he adds a different form, which we ought to express thus: 'does not that victorious bay lose its freshness?' Cicero had experience of this afterwards. He came from Cilicia with his fasces wreathed with 'laurea,' expecting a triumph, and carried them with him till they had lost their freshness. (Cicero, Ad Att. vii. 10; viii. 1 and 3.)

cujus fervore] This 'fervor' is a metaphor like that which we have had before (c. 4, 'effervescentem in Asiam'). It is a metaphor from a stormy sea. He says 'that huge sea, through whose storms not only voyages were stopped, but even cities and the military roads were occupied.' But it is a metaphor without any sense in it. All he means to say is that the pirates not only stopped ships on the seas, but they got possession of cities and military roads; and he says it very badly.

poterant in provincias nostras redundare, ita ab eodem esse partim recisas, partim repressas, ut Asia quae imperium antea nostrum terminabat nunc tribus novis provinciis ipsa cingatur. Possum de omni regione, de omni hostium genere dicere. Nulla gens est quae non aut ita sublata sit ut vix exstet, aut ita domita ut quiescat, aut ita pacata ut victoria nostra imperioque laetetur. XIII. Bellum Gallicum, patres conscripti, C. Caesare imperatore gestum est, antea tantummodo repulsum. Semper illas nationes nostri imperatores refutandas potius bello quam lacessendas putaverunt. Ipse ille C. Marius, cujus divina atque eximia virtus magnis populi Romani luctibus funeribusque subvenit, influentes in Italiam Gallorum maximas copias repressit, non ipse ad eorum urbes sedesque penetravit. Modo ille meorum laborum, periculorum, consiliorum socius, C. Pomptinus, fortissimus vir, ortum repente bellum Allobrogum atque hac scelerata conjuratione excitatum praeliis fregit, eosque domuit qui lacessierant; et ea victoria contentus re publica metu liberata quievit. C. Caesaris longe aliam video fuisse rationem.

redundare . . . recisas] First a metaphor from water overflowing, then one from the knife applied to cutting and lopping, and thirdly one from the act of pushing back.

Asia] See the remarks on the Province Asia, Vol. ii. p. 285. The commentators say that the three new provinces are Bithynia, Pontus, and Syria. The epitome of Livy (102) mentions the reduction of Pontus to the form of a province by Pompeius. Bithynia belonged to the Romans in B.C. 74, and Pompeius after the death of Mithridates added to it the west part of Pontus. The rest of Mithridates' kingdom was given to different kings. Bithynia from B.C. 63 was generally called Bithynia et Pontus, and was under a Propraetor. It was some time simply called Bithynia. (Becker, Handbuch, iii. 1, p. 146.) The other province is it seems Cilicia, which Pompeius organised about B.C. 64, for though the name of Cilicia had been applied to a province some time before, this early province of Cilicia comprehended very little of Cilicia Proper. Servilius Isauricus B.C. 75 formed the province of Cilicia, but it consisted nearly altogether of parts of Lycia, Pamphylia, and Isauria. In B.C. 64 Pompeius established the province of Syria.

13. *repulsum*] The Romans had conquered the Galli of North Italy, and they had also established a provincia north of the Alps which extended from the west end of the Lake of Geneva to Toulouse in the plain of the Garonne, having for its north-western boundary the range of the Cévennes. Cicero means by 'illas nationes' the Helvetii and others who were beyond the limits of the province.

refutandas] The same as 'repellendas.' 'Refutare' is a form of *fund* (*fud*). For the Romans said 'fundere hostem.'

C. Marius] Part of the invaders whom Marius drove back and destroyed came out of Gallia, but they were not Galli. They were Cimbri and Teutones who had ravaged Gallia terribly (Caesar, B. G. ii. 4; vii. 77), and there is no proof that any of the Gallic peoples joined them in their march into the Provincia, unless some of the Helvetii did. Cicero's statement is that Marius repelled the great armies of the Galli, but that he did not penetrate to their cities and country. The fact is entirely perverted, one of the many instances of the worthlessness of Cicero's history. Hotmann knew that these men were Cimbri and Teutoni, but he adds, it is probable that they were conducted by Galli to the defiles that lead into Italy. Let it be so. That will not make Cicero a bit nearer the truth.

C. Pomptinus] He was praetor B.C. 63, and served Cicero in the affair of Catilina's conspiracy (Vol. iii.); and afterwards defeated the Allobroges when he was the governor of the Provincia Gallia (In Cat. iii. 9).

C. Caesaris] He says that Caesar's design was to subdue the Galli, but whether

Non enim sibi solum cum iis, quos jam armatos contra populum Romanum videbat, bellandum esse duxit, sed totam Galliam in nostram ditionem esse redigendam. Itaque cum acerrimis nationibus et maximis Germanorum et Helvetiorum praeliis felicissime decertavit; ceteras conterruit, compulit, domuit, imperio populi Romani parere assuefecit, et quas regiones quasque gentes nullae nobis antea litterae, nulla vox, nulla fama notas fecerat, has noster imperator nosterque exercitus et populi Romani arma peragrarunt. Semitam tantum Galliae tenebamus antea, patres conscripti; ceterae partes a gentibus aut inimicis huic imperio aut infidis aut incognitis aut certe immanibus et barbaris et bellicosis tenebantur; quas nationes nemo umquam fuit quin frangi domarique cuperet; nemo sapienter de re publica nostra cogitavit jam inde a principio hujus imperii, quin Galliam maxime timendam huic imperio putaret; sed propter vim ac multitudinem gentium illarum numquam est antea cum omnibus dimicatum. Restitimus semper lacessiti. Nunc denique est perfectum ut imperii nostri terrarumque illarum idem esset extremum. XIV. Alpibus Italiam munierat antea natura non

Cicero knew this or whether he collected it from what Caesar had done, one cannot tell. He says 'video fuisse.' Cicero mentions the Germani before the Helvetii, though the Helvetii were defeated first. This is a slight matter. Caesar's second campaign carried the Roman arms to the banks of the Maas in the north. He had struck terror into the nations whom he had not subdued, for after the battle on the Sambre a single legion which was sent into the Armoric states under P. Crassus received the submission (B.C. 57) of all these states (Caesar, B. G. ii. 34). It was however not a real submission, for Caesar had to try all his strength against them the next year, the year in which this speech was made.

Semitam tantum] He calls the Provincia, the south part of France along the Mediterranean, a 'semita' or path. It was a road into Spain for the Romans.

Galliam maxime timendam] This is true. The Galli were the most formidable enemies that the Romans had to encounter. They had settled south of the Alps at some unknown time, and from the earliest periods of Roman history fresh bodies from Transalpine Gallia invaded Italy from time to time, as the Gaul continues to do.

14. *Alpibus . . munierat*] 'Nature once not without some divine power made the Alps a defence to Italy.' His expression is confused, 'natura non sine aliquo divino numine.' He gives to what he calls 'natura' an efficient power, not without some 'divine numen.' He expresses however in a way the idea that the formation of the Italian peninsula was designed and adapted to protect it against the barbarians of the north. The three great peninsulas, which form the south of Europe, are protected by their position and their mountain barriers against invasions from the north. Such is the character of the continent of Europe north of the three peninsulas, and its connection with respect to the great mass of Asia, and such were the habits of the people who inhabited the centre and north of Europe, that there was no rest; one nation was pressing on another, the German on the Gaul, sometimes the Gaul on the German, and the German in his turn was harassed by his neighbours on the east. Every movement in the great plain country of Europe and Asia disturbed not only those who were nearest to it, but even those who were remote. In Cicero's time the land was not even appropriated to private use in Germany, or in a large part of it. Men were not fixed to the soil by the strongest of all ties, the possession of land and a house. Gallia was farther advanced in civilization than Germany. She had cities, roads, bridges, and the certain sign of a settled population, tolls and taxation. But Gallia was politically unsettled, being divided into

sine aliquo divino numine; nam si ille aditus Gallorum immanitati multitudinique patuisset, numquam haec urbs summo imperio domicilium ac sedem praebuisset. Quae jam licet considant, nihil est enim ultra illam altitudinem montium usque ad Oceanum quod sit Italiae pertimescendum. Sed tamen una atque altera aestas vel metu vel spe vel poena vel praemiis vel armis vel legibus potest totam Galliam sempiternis vinculis astringere. Impolitae vero res et acerbae si erunt relictae, quamquam sunt accisae, tamen efferent se aliquando et ad renovandum bellum revirescent. Quare sit in

numerous states, governed by nobles and priests, and subject to continual revolutions. The danger to Rome from the Gallic people was over when North Italy was conquered, and the south of France was secured. But the nation was still uneasy. The whole population of the Helvetii (B.C. 58) attempted to break out of their prison between the Jura, the Alps, and the Rhine, and to escape from the German pressure on the east. The Germans had got into Belgium as soon as the Romans were well settled in the south of France, had seized the fertile country on the Rhine north and south of Strassburg, and had quartered themselves also in Gallia west of the Rhine, between the Jura and the Saone. Caesar by his Helvetic and German campaigns of B.C. 58 had freed the Province from all danger on this side, and by his great victory over the Belgians in B.C. 57 he had made the Roman name a terror to the northern nations on both sides of the Rhine (Caesar, B. G. ii. 35). An excellent modern writer has some remarks on the configuration of the European peninsula, and its effects on the civilization of Europe (Mignet, Introduction de l'ancienne Germanie dans la Société Civilisée, Mém. Hist. p. 1 &c.).

Quae jam licet considant] 'The Alps may now sink down' to the level of the plains: a bold way of speaking. "This rhetorical turn is bold, and may be called almost *kokett*" (Klotz). Bold it certainly is; whether it is *kokett* I cannot tell, not knowing what sense a German gives to a French word which he does not understand.

'Considere' signifies to 'settle down.' Cicero speaks in the same style again (In Pis. c. 33). So Ovid says (Met. i. 43) in his beautiful introduction, using another form of the root *sid*:

"Jussit et extendi campos, subsidere valles,
Fronde tegi silvas, lapidosos surgere montes."

sempiternis vinculis] It took rather longer than Cicero expected to do this. In B.C. 52 all the Gallic nations rose against Caesar under Vercingetorix; and nothing but the genius of the great Roman general and his unwearied activity put down this formidable enemy. But with the capture of the hill fort of Alesia B.C. 52 the war was ended, and Gallia received the chains in which the Roman held her bound till the German Franks again got the superiority. In B.C. 50 the Gaul after being well beaten was coaxed into submission by Caesar, who was now meditating the conquest of Italy; for the conquest of Gallia was the way to conquer Rome. Caesar's continuator has well enough described his policy: "Caesar in Belgio quum hiemaret, unum illud propositum habebat continere in amicitia civitates, nulli spem aut caussam dare armorum; nihil enim minus volebat quam sub decessum suum necessitatem sibi aliquam inponi belli gerendi, ne quum exercitum deducturus esset bellum aliquod relinqueretur, quod omnis Gallia libenter sine praesenti periculo susciperet. Itaque honorifice civitates appellando, principes maximis praemiis afficiendo, nulla onera nova imponendo, defessam tot adversis proeliis Galliam conditione parendi meliore facile in pace continuit" (B. G. viii. 49).

acerbae] The metaphor has disturbed the critics. Nipperdey proposes 'asperae,' Baiter proposes 'crudae.' I propose to let Cicero speak in his own way. The things will be 'impolitae,' unfinished, left in the rough (rudes); then he says 'acerbae,' sour, unripe; then he says 'accisae,' lopped, pruned, clipped, cut short, like a tree or a bird's wings, as Horace has it (Sat. ii. 2, v. 114):

"Integris opibus novi non latius usum
Quam nunc accisis."

Horace also has "decisis humilem pennis," speaking of himself.

ejus tutela Gallia, cujus virtuti, fidei, felicitati commendata est, qui si, Fortunae muneribus amplissimis ornatus saepius ejus deae periculum facere nollet, si in patriam, si ad deos penates, si ad eam dignitatem, quam in civitate sibi propositam videt, si ad jucundissimos liberos, si ad clarissimum generum redire properaret, si in Capitolium invehi victor cum illa insigni laude gestiret, si denique timeret casum aliquem, qui illi tantum addere jam non potest quantum auferre, nos tamen oporteret ab eodem illa omnia a quo profligata sunt confici velle. Quum vero ille suae gloriae jampridem, rei publicae nondum satisfecerit, et malit tamen tardius ad suorum laborum fructus pervenire quam non explere susceptum rei publicae munus, nec imperatorem incensum ad rem publicam bene gerendam revocare, nec totam Gallici belli rationem prope jam explicatam perturbare atque impedire debemus.

XV. Nam illae sententiae virorum clarissimorum minime probandae sunt, quorum alter ulteriorem Galliam decernit cum Syria, alter citeriorem. Qui ulteriorem, omnia illa de quibus disserui paullo ante perturbat; simul ostendit eam se scire legem quam esse legem neget, et quae pars provinciae sit, cui non possit intercedi, hanc se avellere, quae defensorem habeat non tangere; simul et illud facit ut, quod illi a populo datum sit, id non violet; quod senatus

felicitati] His good fortune, one of the qualities of a great commander.—'Fortunae muneribus:' see Vol. iii. Index.

jucundissimos liberos] Caesar had only one daughter Julia, who was married to Cn. Pompeius: but it is usual to say 'liberi' of one child.—'illa insigni:' a common use of 'ille;' it is emphatic (c. 12). The commander in his triumph wore the 'laurea' on his head. Some editions have 'laurea.'

profligata] The word seems to mean 'have been so far carried' or 'so far done.' Gellius (xv. 5) speaks of the abuse of the meaning of this word: "nam quum ab affligendo et ad perniciem interitumque deducendo inclinatum id tractumque sit, semperque eo verbo qui diligenter loquuti sunt ita usi sunt ut *profligare* dicerent *prodigere* et *deperdere*, *profligatasque* res quasi *proflictas* et *perditas* appellarent, nunc audio aedificia et templa et alia fere multa quae prope absoluta affectaque sunt, *in profligato esse* dici, ipsaque esse *profligata* jam." But Gellius is mistaken as many critics have shown. 'Profligata' occurs in the Monumentum Ancyranum, "coepta profligataque opera . . perfeci," in Cicero elsewhere, in Tacitus, and in Livy. (See c. 8, 'affecta.')

15. *ulteriorem Galliam*] We here learn that one proposition was to assign Gallia Ulterior or Citerior and Syria to the two consuls who should be elected. Thus Gabinius would be recalled and Caesar would lose one of his provinces.

eam se scire legem quam esse] G. E.; 'eam sentire legem esse' P[1]. Various alterations have been proposed here. It is doubtful whether 'scire' is the right word, or 'sentire' or something else. The error, if there is any, lies there. But the meaning is certain. The Lex of Vatinius gave Gallia Citerior and Illyricum to Caesar. The senate gave him Gallia Transalpina. He who proposed to take from Caesar Gallia Transalpina and to leave him Citerior, admitted that the Lex of Vatinius was a Lex, even though he might deny that it was. The 'pars provinciae cui non possit intercedi' is Transalpina which the senate conferred, and in that matter the Tribuni had no veto. The provincia 'quae defensorem habeat' is Citerior. It was conferred by the Populus and the Tribuni would maintain Caesar in it.—'hanc se avellere:' Baiter writes 'eam' for 'hanc.' P. has 'an.'

dederit, id senator properet auferre. Alter belli Gallici rationem habet; fungitur officio boni senatoris: legem, quam non putat, eam quoque servat; praefinit enim successori diem. Quo mihi nihil videtur minus a dignitate disciplinaque majorum quam ut qui consul Kalendis Jan. habere provinciam debet, is ut eam desponsam, non decretam habere videatur. Fuerit toto in consulatu sine provincia, cui fuerit antequam designatus est decreta provincia? Sortietur an non? Nam et non sortiri absurdum est, et, quod sortitus sis non habere. Proficiscetur paludatus? Quo? Quo pervenire ante certam diem non licebit. Januario, Februario provinciam non habebit. Kalendis ei denique Martiis nascetur repente provincia. Ac tamen his sententiis Piso in provincia permanebit. Quae quum gravia sunt, tum nihil gravius illo, quod mulctari imperatorem deminutione provinciae contumeliosum est, neque solum summo in viro, sed etiam mediocri in homine ne accidat providendum.

XVI. Ego vos intelligo, patres conscripti, multos decrevisse eximios honores C. Caesari, et prope singulares; quod ita meritus erat, grati, sin etiam, ut quam conjunctissimus huic ordini esset, sapientes ac divini fuistis. Neminem umquam est hic ordo complexus honoribus et beneficiis suis, qui ullam dignitatem praestabiliorem ea quam per vos esset adeptus putarit. Nemo umquam hic

Alter] The senator who proposed to let Caesar keep Gallia Ulterior and to take from him Citerior.—'legem, quam non putat:' he maintains the Lex of Vatinius, though he does not think that it is a Lex. He adds for 'he fixes a day for Caesar's successor;' and the day as he tells us was the first of March, not the beginning of the year.

Quo mihi . . minus] 'Quo' is the emendation of Manutius, who also proposed 'magis' for 'minus.' The passage is corrupt. Madvig has 'Quo mihi nihil alienius,' which Baiter accepts.

Kal. Jan.] A consul ought to have his provincia secured to him when he entered on his office on the first of January; instead of which he would have a promise of it (desponsam), like a wife promised, but not got.

Fuerit toto in] 'Must the consul be without a province during all his consulship, though a province was assigned for him before he was elected.' If the propositions were voted, some two provinces would be assigned to the consuls who would be elected for the next year (B.C. 55). But as to Citerior Gallia, the consul who was to take that province in B.C. 54, was not to have it as his till that year, and not at the beginning of the year. He was to have the promise of it instead of having it named as his.

Sortietur] The two consuls determined by lot or otherwise agreed which of the two consular provinces each should have. Cicero asks how could they decide by lot about a thing that was not in their power.

paludatus] See Ver. ii. 5, c. 13, Vol. i.

Kal. Martiis] So that the five years of Caesar's occupation of Gallia Citerior should be completed; for he means the first of March after the expiration of the consulship of those consuls who should be elected in B.C. 56, the year when this speech was spoken.

Ac tamen] 'And still if these propositions are carried Piso will remain in his province.'—'Quae quum gravia:' 'quae' seems to refer to all that he has said.—'mulctari imperatorem:' that is Caesar.

16. *singulares; quod*] 'Singulari quod' C. Gruter wrote 'singulares: si quod,' which Baiter has followed. Gruter also wrote 'grati' in place of the 'gratis' of the MSS.

potuit esse princeps, qui maluerit esse popularis. Sed homines aut propter indignitatem suam diffisi ipsi sibi, aut propter reliquorum obtrectationem ab hujus ordinis conjunctione depulsi, saepe ex hoc portu se in illos fluctus prope necessario contulerunt. Qui si ex illa jactatione cursuque populari, bene gesta re publica, referunt aspectum in curiam atque huic amplissimae dignitati esse commendati volunt, non modo non repellendi sunt, verum etiam expetendi. Monemur a fortissimo viro atque optimo post hominum memoriam consule, ut provideamus ne citerior Gallia nobis invitis alicui * * post eos consules, qui nunc erunt designati, perpetuoque posthac ab iis qui hunc ordinem oppugnent populari ac turbulenta ratione teneatur. Quam ego plagam etsi non contemno, patres conscripti, praesertim monitus a sapientissimo consule et diligentissimo custode pacis atque otii, tamen vehementius arbitror pertimescendum, si hominum clarissimorum ac potentissimorum aut honorem minuero aut studium erga hunc ordinem repudiaro. Nam ut C. Julius omnibus a senatu eximiis aut novis rebus ornatus per manus hanc provinciam tradat ei cui minime vos velitis, per quem ordinem ipse amplissimam

popularis] See Vol. i. Index, 'Popularis.' Here we plainly see that Cicero considered Caesar to have been a Popularis. Now there was an opportunity of reconciling him to the senate. Cicero says to Lentulus (Ad Fam. i. 9): "quum etiam Caesar rebus maximis gestis, singularibus ornatus et novis honoribus ac judiciis senatus ad auctoritatem ejus ordinis adjungeretur."

fortissimo viro . . consule] Hotmann says it is the consul L. Philippus; but other commentators with better reason think that Cicero means Lentulus. Abrami quotes a letter to Cicero's brother (Ad Q. Fr. ii. 6): "Consul est egregius Lentulus non impediente collega, sic, inquam, bonus ut meliorem non viderim." Philippus was connected with Caesar, for he had married Atia the mother of him who was afterwards Augustus, and the daughter of Caesar's sister Julia. He had also given his daughter Marcia to M. Cato.

This consul expressed his fear that as the populus had given Gallia Citerior to Caesar by the Lex of Vatinius, they might give the province again to some Popularis, who might use his dangerous proximity to Rome to disturb the state. It was wise therefore for the senate to seize the present opportunity of making Gallia Citerior a Consularis provincia. The word 'decernatur,' which is generally added before 'post,' is not in C. I do not know what authority there is for it. Manutius remarks that it is either a blunder, or Cicero has used the word improperly, for the 'senatus decernit,' and the 'populus jubet.' Madvig quoted by Baiter says the same. The remark is true as everybody knows who has read Cicero. Halm proposes 'obveniat.'

C. Julius] This is not a usual way of mentioning a man. No variation is noted by Baiter.

per manus tradat] As if it had been suggested that Caesar would keep the province of Citerior Gallia to the end of his five years, and then hand it over to some man to whom the populus had given it, and to a successor not appointed by the senate. 'Per manus' is used in various ways. Cicero (Ad Att. i. 12) says, "P. Clodium per manus servulae servatum et eductum." Caesar (B. G. vi. 38) uses "aegre per manus tractus servatur" (and B. C. i. 68). Its original sense then is 'from hand to hand;' and the fear was that Caesar might pass this province from his own hands to another's, perhaps surreptitiously. Abrami says that the expression seems to smell of a proverb, as in a letter of Cicero to Caesar (vii. 5), in which he is recommending Trebonius: "Totum denique hominem tibi trado, de manu, ut aiunt, in manum istam tuam" &c. But this is not quite the same thing. This expression is the origin of the French 'de la main à la main,' which however has a particular sense, 'secretly;' and here the Latin

sit gloriam consecutus, ei ne libertatem quidem relinquat, adduci ad suspicandum nullo modo possum. Postremo quo quisque animo futurus sit nescio: quid sperem video. Praestare hoc senator debeo quantum possum, ne quis vir clarus aut potens huic ordini jure irasci posse videatur. Atque haec, si inimicissimus essem C. Caesari, sentirem tamen rei publicae caussa.

XVII. Sed non alienum esse arbitror quo minus saepe aut interpeller a nonnullis aut tacitorum existimatione reprehendar, explicare breviter quae mihi sit ratio et caussa cum Caesare. Ac primum illud tempus familiaritatis et consuetudinis, quae mihi cum illo, quae fratri meo, quae C. Varroni, consobrino nostro, ab omnium nostrum adolescentia fuit, praetermitto. Posteaquam sum penitus in rem publicam ingressus, ita dissensi ab illo ut in disjunctione sententiae conjuncti tamen amicitia maneremus. Consul ille egit eas res quarum me participem esse voluit, quibus ego si minus assentiebar, tamen illius mihi judicium gratum esse debebat. Me ille ut quinqueviratum acciperem rogavit; me in tribus sibi conjunctissimis consularibus esse voluit; mihi legationem quam vellem quanto cum honore vellem detulit. Quae ego omnia non ingrato animo, sed obstinatione quadam sententiae repudiavi. Quam sapi-

has a sense which may be easily derived from the context. So Sallust says (Jug. c. 63): "Etiam tum alios magistratus plebes, consulatum nobilitas inter se per manus tradebat."

17. *C. Varroni*] He mentions C. Visellius Varro in the Brutus (c. 76). He had some oratorical power, and knowledge of the Roman law, which he got from his father, C. Aculeo, who married Helvia, the sister of Cicero's mother (De Or. ii. 1). C. Varro is mentioned in the Verrine orations (Act. i. c. 28).

quinqueviratum] Manutius proposes to read 'vigintiviratum, as we read in the letters to Atticus (ii. 3 and 6), in Quintilian (xii. 1), in Velleius (ii. 45), and in Suetonius, who says that M. Atius Balbus, the husband of Caesar's sister, was one of the xxviri for the division of the Campanian land under the Lex Julia. Baiter says 'vigintiviratum, Ant. Augustinus,' and he seems to have intended to put it in his text, though he has 'quinqueviratum.' He refers to Mommsen in Die Schriften der röm. Feldmesser, ii. p. 224. Mommsen says, speaking of these xxviri, "instead of these twenty men five men are mentioned (Cic. Ad Att. ii. 7. De Prov. Cons. c. 17), whether it was that the number was afterwards limited, or that the twenty were divided into four subcommissions, and sometimes they said xxvir sometimes vvir, just as xxvivir and xvir lit. jud. are both said." Drumann (ii. 231, note) reconciles the contradiction by saying that there were twenty commissioners and a select number of five out of the twenty who formed the chief part of the commission, and that Dion (38, c. 1) plainly alludes to this. But the allusion is not so plain to me.

tribus sibi] Caesar's son-in-law Cn. Pompeius was one, M. Crassus another, and Cicero would make the third. Manutius and others make Piso, Caesar's father-in-law, one of them; but Cicero says 'consularibus,' and Piso had not been consul in B.C. 59, the year of Caesar's consulship and of the Lex Julia about the Campanian lands. —'legationem:' Cicero tells Atticus (Ad Att. ii. 18 and 19), that Caesar had invited him to be one of his legati, and also that a 'libera legatio voti caussa' was offered to him. He calls Caesar's protection a 'populare praesidium,' and it would have been a protection against the 'popularis impetus' of Clodius. Cicero refused every offer of Caesar. In a letter to his wife written in his exile he says: "Meum fuit officium vel legatione vitare periculum vel diligentia et copiis resistere, vel cadere fortiter" (Ad Fam. xiv. 3).

enter non disputo, multis enim non probabo; constanter quidem et fortiter certe; qui quum me firmissimis opibus contra scelus inimicorum munire et populares impetus populari praesidio propulsare possem, quamvis excipere fortunam, subire vim atque injuriam malui quam aut a vestris sanctissimis mentibus dissidere aut de meo statu declinare. Sed non is solum gratus debet esse qui accepit beneficium, verum etiam is cui potestas accipiendi fuit. Ego illa ornamenta, quibus ille me ornabat, decere me et convenire iis rebus quas gesseram non putabam. Illum quidem amico animo me habere eodem loco quo principem civium, suum generum, sentiebam. Traduxit ad plebem inimicum meum, sive iratus mihi, quod me secum ne in beneficiis quidem videbat posse conjungi, sive exoratus. Ne haec quidem fuit injuria. Nam postea me ut sibi essem legatus, non solum suasit, verum etiam rogavit. Ne id quidem accepi; non quo alienum mea dignitate arbitrarer, sed quod tantum rei publicae sceleris impendere a consulibus proximis non suspicabar. Ergo adhuc magis est mihi verendum ne mea superbia in illius liberalitate quam ne illius injuria in nostra amicitia reprehendatur.

XVIII. Ecce illa tempestas, caligo bonorum et subita atque improvisa formido, tenebrae rei publicae, ruina atque incendium civitatis, terror injectus Caesari de ejus actis, metus caedis bonis omnibus, consulum scelus, cupiditas, egestas, audacia. Si non sum adjutus, non debui; si desertus, sibi fortasse providit; si etiam oppugnatus, ut quidam aut putant aut volunt, violata amicitia est, accepi injuriam, inimicus esse debui; non nego: sed si idem ille tum me salvum esse voluit, quum vos me ut carissimum filium de-

Traduxit ad plebem] In the De Domo (c. 16) there is something about this matter, and in the passage of Suetonius which is quoted there. Abrami has a note on this matter. He remarks that the epitome of Livy (Ep. 103) refers Clodius' plebeian adoption to an earlier time, and Dion (37, c. 51) does also. He shows from two letters of Cicero (Ad Att. i. 18 and 19) that C. Herennius attempted to carry a measure for Clodius' adoption. Accordingly he concludes that an attempt was made to secure Clodius' adoption into a plebeian family in the consulship of Q. Metellus Celer and L. Afranius, but as the business was done irregularly, it was accomplished by Caesar in due form.

alienum mea dignitate] It was one of the best parts of the Roman constitution that a man who had held the highest office would afterwards serve under another in an inferior rank.

18. *Ecce illa tempestas*] The consulship of Piso and Gabinius and the tribunate of Clodius (B.C. 58). Caesar was afraid that many of the measures (acta) of his consulship would be rescinded, and accordingly he kept on good terms with the tribune Clodius.

non debui] P². 'debuit' G. E. Orelli. The common reading is 'debuit,' which may be explained: "non debuit me adjuvare Caesar." A passage in the In Pisonem, c. 32, may be compared with this: "Adducta res in certamen te consule putabatur" &c.

tum me salvum] 'If Caesar was favourable to my restoration from exile.' Pompeius, Caesar's son-in-law, assured Cicero of Caesar's good disposition towards him. He says again in a letter to Lentulus (Ad

siderabatis, et si vos iidem pertinere ad caussam illam putabatis, voluntatem Caesaris a salute mea non abhorrere, et si illius voluntatis generum ejus habeo testem, qui idem Italiam in municipiis, populum Romanum in contione, vos mei semper cupidissimos in Capitolio ad meam salutem incitavit; si denique Cn. Pompeius idem mihi testis de voluntate Caesaris, et sponsor est illi de mea, nonne vobis videor et ultimi temporis recordatione et proximi memoria medium illud tristissimum tempus debere, si ex rerum natura non possum evellere, ex animo quidem certe excidere? Ego vero, si mihi non licet per aliquos ita gloriari, me dolorem atque inimicitias meas rei publicae concessisse, si hoc magni cujusdam hominis et persapientis videtur, utar hoc, quod non tam ad laudem adipiscendam quam ad vitandam vituperationem valet, hominem me esse gratum, et non modo tantis beneficiis, sed etiam mediocri hominum benevolentia commoveri. XIX. A viris fortissimis, et de me optime meritis quibusdam peto, ut, si ego illos meorum laborum atque incommodorum participes esse nolui, ne illi me suarum inimicitiarum socium velint esse, praesertim quum mihi iidem illi concesserint, ut etiam acta illa Caesaris, quae neque oppugnavi antea neque defendi, meo jam jure possim defendere. Nam summi civitatis viri, quorum ego consilio rem publicam conservavi et quorum auctoritate illam conjunctionem Caesaris defugi, Julias leges et ceteras illo consule

Fam. i. 9, 12) nearly the same. The 'ultimi temporis' is Cicero's early years, when he was intimate with Caesar (Ad Fam. i. 19, 12): "Hic multum valuit quum vetus amicitia, quam tu non ignoras mihi et Q. Fratri cum Caesare fuisse." The 'proximi temporis,' the nearest time, is that which followed his return from exile.

si hoc] P. G. 'sed hoc' E. In place of 'si hoc,' Orelli has 'quod,' an old reading in some editions. Cicero says, if some will not let him boast of giving up his private wrongs for the sake of his country; 'if this is considered (videtur) to be the characteristic of some great and very wise man,' of a man greater and wiser than these men (aliqui) will allow Cicero to be. This reading 'si hoc' appears to agree better with the rest of the sentence. He adds 'utar hoc,' 'I will be content with this.'

19. *A viris fortissimis*] Men who maintained the constitution, and men who had favoured his return from exile, M. Cato, Bibulus, L. Domitius, and others who were Caesar's opponents (Manutius).

quae neque oppugnavi] He had not done this in Caesar's consulship, but he had done it this year on the Nones of April, as Abrami shows, by referring to the letter to Lentulus (Ad Fam. i. 9): "quin etiam Marcellino et Philippo coss. nonis Apr. mihi est senatus assensus, ut de agro Campano frequenti Senatu idibus Maiis referretur. Num potui magis in arcem illius caussae invadere, aut magis oblivisci temporum meorum, meminisse actionum?" This proposal of Cicero was directed against Caesar's Lex about the division of the Campanian land. Cicero speaks of this affair of the Nones of April also in a letter to his brother (Ad Q. Fr. ii. 5). Abrami concludes from the letter to Lentulus and another (Ad Fam. i. 7) about the ten legati, and about Caesar not being superseded 'lege Sempronia,' and a comparison of all this with c. 11 of this oration that Cicero was either trying to deceive Lentulus, or was not sincerely reconciled to Caesar. A little of both, as it seems. Cicero must have made this proposal of the Nones of April before he delivered this speech.—'meo jam jure:' a common form of expression which means 'with good right,' 'with good reason;' and 'jam' means 'from this time.'

illam conjunctionem] When he refused all Caesar's offers, which have been already

rogatas jure latas negant, iidem illam proscriptionem capitis mei contra salutem rei publicae, sed salvis auspiciis rogatam esse dicebant. Itaque vir summa auctoritate, summa eloquentia, dixit graviter casum illum meum funus esse rei publicae, sed funus justum et indictum. Mihi ipsi omnino perhonorificum [est] discessum meum funus dici rei publicae. Reliqua non reprehendo; sed mihi ad id quod sentio assumo. Nam si illud jure rogatum dicere ausi sunt, quod nullo exemplo fieri potuit, nulla lege licuit, quia nemo de caelo servarat, oblitine erant tum, quum ille qui id egerat plebeius est lege curiatâ factus, dici de caelo esse servatum? Qui si plebeius omnino esse non potuit, qui tribunus pl. potuit esse? et cujus tribunatus si ratus est, nihil est quod irritum ex actis Caesaris possit

spoken of. He says 'Julias leges' after Roman fashion, meaning all the leges proposed by Caesar in his consulship, which leges were called after his name. These men said that Caesar's leges were no leges because they were enacted contrary to the auspicia, but that the lex which declared the Interdictio against Cicero, though a bad lex, was enacted in due form.

vir summa] Manutius conjectures that it was Bibulus, who being a consularis might have spoken before Cicero. It could not, he says, be M. Cato, who was not yet Praetorius, and therefore could not have spoken before Cicero.

justum et indictum] The same thing is said in the De Domo (c. 16, and the note). The 'vir summa auctoritate' said it was the death or funeral of the state, but it was a regular funeral made in due form, with all proper notice. As the Romans said 'justum funus,' so they said 'justa facere,' 'solvere,' 'to perform all the funeral rites in due form.'

ad id quod sentio assumo] He admits all that they had said, but he uses it for his own argument, and to prove their inconsistency.—'si illud jure rogatum:' if they say that the Interdictio against Cicero was enacted in due form, because there was no religious impediment (quia nemo de caelo servarat), they must not forget that there was a religious impediment to the Lex Curiata by which Clodius was made a plebeian, for Bibulus on that occasion 'de caelo servavit.'

As to the expression 'de caelo servare' see Vol. iii. Index, 'Servare.' Cicero continues his argument. If Clodius could not be made a plebeian because of the religious impediment, he could not be a tr. pl.; and if he was not duly elected a tr. pl., none of his measures could be legal.

cujus tribunatus si ratus est] Hotmann proposed to read 'si ratus non est.' He also approved of Lambinus' alteration 'nihil est quod ratum ex actis,' &c. Lambinus also proposed 'nihil est quod non irritum;' and further on he would write 'non servata' for 'conservata.' Abrami declares that Lambinus' emendation cannot be endured, and that the sense is plain. And so it is. The commentators are not always as quick as their original. The antient orators seldom made their premises and conclusions inconsistent. They were too practical in their art to do that.

Cicero has just asked: "If Clodius could not be made a plebeian, how could he be made a tribunus?" He adds: "And when, if Clodius' tribunate is declared legal, there is nothing in Caesar's measures that can be illegal, shall not only Clodius' tribunate be legal, but even his most pestilent acts be considered to be legally enacted, because the respect to the auspices was observed?" If Clodius' tribunate was declared valid, though he was not duly made a plebeian, Caesar's acta must be declared valid too, though the auspicia were not observed, because Bibulus 'de caelo servavit.' These men said Caesar's acta were illegal, because they were against the auspices. But then Clodius' acts were all illegal, because he was illegally made a tribune. If Clodius was legally a tribune, Caesar's acts were legal. The defect in both cases was the same. These 'summi viri' must take the consequences of their assumption, that Clodius was legally a tribune; and one consequence is, that they cannot say that Caesar's acts were illegal; and will they, affirming Caesar's acts to be illegal, and affirming Clodius' tribunate to be legal, also affirm that all Clodius' measures

esse, ejus non solum tribunatus, sed etiam perniciosissimae res auspiciorum religione conservata jure latae videbuntur? Quare aut vobis statuendum est legem Aeliam manere, legem Fufiam non esse abrogatam, non omnibus fastis legem ferri licere; quum lex feratur, de caelo servari, obnuntiari, intercedi licere; censorium judicium ac notionem et illud morum severissimum magisterium non esse nefariis legibus de civitate sublatum; si patricius tribunus pl. fuerit, contra leges sacratas, si plebeius, contra auspicia fuisse: aut mihi concedant homines oportet in rebus bonis non exquirere jura ea, quae ipsi in perditis non exquirant; praesertim quum ab illis aliquoties conditio C. Caesari lata sit ut easdem res alio modo ferret, qua conditione auspicia requirebant, leges comprobabant; in Clodio auspiciorum ratio sit eadem, leges omnes sint eversae ac perditae civitatis.

XX. Extremum illud est. Ego, si essent inimicitiae mihi cum C. Caesare, tamen hoc tempore rei publicae consulere, inimicitias in aliud tempus reservare deberem. Possem etiam summorum virorum exemplo inimicitias rei publicae caussa deponere. Sed quum inimicitiae fuerint numquam, opinio injuriae beneficio sit exstincta, sen-

were legal, which were done in his illegal tribunate, because he did them in legal form?

legem Aeliam . . . Fufiam] As to this Lex or these two Leges see Vol. iii. Index. One of the provisions, as we see, was, that a law could not be enacted 'omnibus fastis diebus,' for all 'fasti dies' were not 'dies comitiales' according to this Lex, which Clodius had repealed. Cicero concludes that they must either admit all that he mentions, "aut vobis statuendum . . . contra auspicia fuisse," or they must make this concession to him (aut mihi concedant, &c.). In the first case they must admit that the Lex Aelia remains, that the Fufia has not been repealed; that all 'dies fasti' are not 'comitiales;' that when a Lex is proposed there may still be 'de caelo servare,' and the 'obnuntiatio;' that the censors' jurisdiction and power of punishing have not been destroyed by abominable laws; that if Clodius was a patrician, he had been elected contrary to the Leges Sacratae; if he was a plebeian, he was elected contrary to the auspicia.

Clodius had weakened the censorial power by not permitting a single censor to exercise his censorial power by inflicting 'ignominia:' the two censors must agree about it. He also did not permit the censors to omit any senator 'in senatu legendo.'

In place of the word 'notionem' some old commentators would read 'notationem,' but Cicero uses 'notio' also in this sense. (Pro Sestio, c. 25, Vol. iii.)

leges sacratas] If Clodius was a patrician, then his election to the tribunate was against the Leges Sacratae, against those fundamental laws which secured to the plebeians magistrates out of their own body. If he was a plebeian his election was illegal, for Lentulus on that occasion 'de caelo servavit.' On the Leges Sacratae, see Index, Vol. iii.

aut mihi concedant] "Or they must allow me, when measures are good, not to examine too minutely into the rules of law, which they do not examine into when the measures are bad; especially too as they several times proposed to Caesar to carry the same measures in another way, and by making this proposal they only asked for the observance of the auspices; they gave their approbation to the leges themselves; in the case of Clodius let there be the same principle as to the auspices, let all the leges be considered as leges which were enacted in a state revolutionized and ruined."

20. *summorum virorum exemplo*] The example of the 'summi . . viri' mentioned in c. 9 and 10.—'inimicitiae:' see c. 17, and c. 17 and 18, which explains 'opinio injuriae.'

tentia mea, patres conscripti, si dignitas agitur Caesaris, homini tribuam; si honos quidam, senatus concordiae consulam; si auctoritas decretorum vestrorum, constantiam ordinis in eodem ornando imperatore servabo; si perpetua ratio Gallici belli, rei publicae providebo; si aliquod meum privatum officium, me non ingratum esse praestabo. Atque hoc velim probare omnibus, patres conscripti, sed levissime feram, si forte aut iis minus probaro, qui meum inimicum repugnante vestra auctoritate texerunt, aut iis, si qui meum cum inimico suo reditum in gratiam vituperabunt, quum ipsi et cum meo et cum suo inimico in gratiam non dubitarint redire.

homini tribuam] A word to depend on 'tribuam' may be supplied from 'dignitas.' But I do not think that is the true explanation. 'Tribuere' is thus used absolutely sometimes, as in Caesar (B. G. i. 13): "Ne ob eam rem aut suae magno opere virtuti tribueret;" and Cicero (Ad Fam. xiii. 9): "Quum universo ordini publicanorum semper libentissime tribuerim." 'Homini' has the emphatic meaning. See Vol. ii. Index, 'Homo.'

meum inimicum] When Milo wished to prosecute P. Clodius, several of the senators protected him. They protected my enemy 'repugnante vestra auctoritate,' that is 'ne tegeretur,' says Manutius. He says, Pro Sestio, c. 44, that the 'auctoritas' of the senate stopped the prosecution of Clodius; and he says the same in the letter to Lentulus (Ad Fam. i. 9. 15).

suo inimico] Caesar the enemy of Bibulus, M. Cato, and Domitius (Manutius). These men had been reconciled to P. Clodius, their enemy and Cicero's.

PRO L. CORNELIO BALBO

ORATIO.

INTRODUCTION.

L. Cornelius Balbus was a native of Gades (Cadiz) in Hispania Ulterior. The town of Gades, an old Phoenician colony and afterwards a dependency on Carthage, is said to have first formed an alliance with Rome in B.C. 212, through the influence of L. Marcius, after the death of Cn. and P. Scipio in Spain (Livy, 25, c. 37; and 32, c. 2; Cicero, Pro Balbo, c. 15). Afterwards in the consulate of M. Aemilius Lepidus and Q. Lutatius Catulus (B.C. 78) a foedus was made with the Gaditani, or the old foedus made by L. Marcius was renewed. Yet the foedus was not confirmed by the Roman populus (Pro Balbo, c. 15).

During the war with Sertorius in Spain the Gaditani were on the Roman side and aided the generals Q. Metellus Pius and Cn. Pompeius. Balbus served on the Roman side, and was in the battles on the Sucro and the Turia (Pro Balbo, c. 2). Pompeius with the approbation of his Consilium gave the Roman civitas to Balbus and others; and this gift was confirmed by a Lex proposed by L. Gellius and Cn. Cornelius pursuant to a resolution of the senate (B.C. 72). When Balbus became a Roman citizen, he took the name of L. Cornelius, it being usual for a foreigner who obtained the civitas to assume also a Roman name, and generally the name of his patron. Why he took the name of Cornelius, or who was the Cornelius whose name he took, we do not know.

Though Pompeius was Balbus' patron, he got the favour of Caesar too; and when Caesar was praetor in Spain (B.C. 62, 61), Balbus was with him and received great marks of favour. He appears to have had the office of 'praefectus fabrum,' or chief of the engineers, under Caesar in Spain (Pro Balbo, c. 28). In B.C. 59 Caesar was consul. Balbus stuck close to his great friend, but he assured Cicero that Caesar would follow Cicero's and Pompeius' advice in all things, and would do all that he

could to effect a reconciliation between Crassus and Pompeius (Cic. Ad Att. ii. 3, where he says "Cornelius; hunc dico Balbum Caesaris familiarem").

In his consulship Caesar gave Balbus the place of 'praefectus fabrum' (Pro Balbo, c. 28), an office which would bring no trouble with it during the year of Caesar's consulship, for Caesar was in Rome. It does not appear whether Balbus went with Caesar to his province in B.C. 58. In the year when this speech was delivered, Balbus was not with Caesar. Caesar never mentions Balbus in his Commentaries, but that does not prove any thing. A letter of Cicero (Ad Q. Fr. iii. 1, 12) shows that Balbus was with Caesar in Gallia in B.C. 54. Cicero's letters to Trebatius (Ad Div. vii. 6, 7) also show that Balbus was with Caesar in that year. But Balbus was in Rome in the beginning of B.C. 54 (Cic. Ad Fam. vii. 5), and he was probably there the greatest part of the time after Caesar went into Gallia (B.C. 58), and for the purpose of looking after the interests of his friend. The author of the eighth book of the Gallic War addresses it to Balbus.

Balbus' prosperity and his connexion with Caesar made him enemies at Rome, who induced some man from Gades to prosecute Balbus for acting as a Roman citizen without having a right. The fact of Balbus having received the civitas from Pompeius and this having been confirmed by the Lex Gellia was not disputed; but other reasons were urged against his citizenship. Gades was a Foederata Civitas; and the prosecutor maintained that a citizen of Gades could not become a Roman citizen without the consent of the Gaditani, which consent had never been given. This matter is examined by Cicero, and the prosecutor's legal doctrines are refuted. Pompeius and Crassus spoke for Balbus, and Cicero also spoke for him, though it seems that he did not like Balbus much. Cicero spoke last (Pro Balbo, c. 1).

There is nothing in this speech which proves in what year it was delivered. Some critics have fixed it in the year B.C. 55. But B.C. 55 was the second consulship of Crassus and Pompeius; and Cicero often names Crassus and Pompeius in this speech, and yet he does not speak of them as consuls. The speech cannot have been delivered earlier than B.C. 56, because the fifteen days' supplicatio for Caesar's victories of B.C. 57 are mentioned, as they are in the oration De Provin. Consularibus (Pro Balbo, c. 27; De Prov. Cons. c. 11), and it is also said that Caesar had not been superseded ("lege Sempronia succedendum non censuit," c. 27); which proves that the speech was delivered after the speech De Provinciis Consularibus. The conclusion then is, that it was delivered in B.C. 56. Cicero and Balbus' other patrons were successful. Balbus retained his citizenship, and made his fortune by following Caesar's. In B.C. 40 he was consul.

A few letters of Balbus are preserved in Cicero's letters (Ad Att. viii. 15; ix. 7 and 13).

This oration is edited by Baiter in the new edition of Orelli's Cicero. The following are the MSS. to which he refers:—

P = cod. Parisinus num. 7794 ab Halmio collatus.

G = cod. Gemblacensis, nunc Bruxellensis num. 5345 a me collatus.

E = cod. Erfurtensis, nunc Berolinensis apud Wunderum.

C = codices P. G. E. inter se consentientes.

M. TULLII CICERONIS

PRO

L. CORNELIO BALBO ORATIO

AD JUDICES.

I. Si auctoritates patronorum in judiciis valerent, ab amplissimis viris L. Cornelii caussa defensa est; si usus, a peritissimis; si ingenia, ab eloquentissimis; si studia, ab amicissimis et quum beneficiis cum L. Cornelio, tum maxima familiaritate conjunctis. Quae sunt igitur meae partes? Auctoritatis tantae quantam vos in me esse voluistis, usus mediocris, ingenii minime voluntati paris. Nam ceteris a quibus est defensus hunc debere plurimum video: ego quantum ei debeam, alio loco. Principio orationis hoc oppono, me omnibus, qui amici fuerint saluti et dignitati meae, si minus referenda gratia satisfacere potuerim, praedicanda et habenda certe satis esse facturum. Quae fuerit hesterno die Cn. Pompeii

1. *auctoritates*] The word means the 'characters' of men, or rather the 'estimation' in which they are. A man's 'auctoritas' in this sense is founded on the opinion which people have of him.—'valerent' C.: 'valent' Ernesti, Baiter. I do not see any reason for altering the text. He says: "If the character of patroni were enough in a trial;" meaning that it was not enough, or might not be enough here, and that is an apology for his speaking after the 'amplissimi viri.'

Nam ceteris] Hotmann thought that something was lost here, and Gruter says that the language does not hold together. But it may not be Cicero's fault if they do not understand him. Cicero says that his ability is not equal to his will: "Now as to the rest by whom Balbus has been defended, I know that he is much indebted to them; what I owe him, of that in another place." If those to whom Balbus was a debtor, had done so much for him, Cicero, who is a debtor to Balbus, will fall far short of doing all that he would wish. In many editions the word 'ostendam' follows 'alio loco,' but there appears to be no authority for it.

referenda gratia . . habenda] A usual antithesis; 'gratiam referre, reddere,' to make a return; 'gratiam habere,' to be grateful. In place of 'oppono' Ant. Augustinus has 'pono,' which Baiter accepts. But 'oppono' expresses Cicero's apology for doing less than he wished to do. He intends to anticipate any blame, if he should not equal the great Cn. Pompeius.

Cn. Pompeii] Cicero speaks highly of

gravitas in dicendo, judices, quae facultas, quae copia, non opinione tacita vestrorum animorum, sed perspicua admiratione declarari videbatur. Nihil enim umquam audivi quod mihi de jure subtilius dici videretur, nihil [de] memoria majore de exemplis, nihil peritius de foederibus, nihil illustriore auctoritate de bellis, nihil de re publica gravius, nihil de ipso modestius, nihil de caussa et crimine ornatius; ut mihi jam verum videatur illud esse, quod nonnulli litteris ac studiis doctrinae dediti quasi quiddam incredibile dicere putabantur, ei qui omnes animo virtutes penitus comprehendisset omnia quae faceret tractare. Quae enim in L. Crasso potuit, homine nato ad dicendi singularem quandam facultatem, si hanc caussam ageret, major esse ubertas, varietas, copia quam fuit in eo, qui tantum potuit impertire huic studio temporis, quantum ipse a pueritia usque ad hanc aetatem a continuis bellis et victoriis conquievit? Quo mihi difficilior est hic extremus perorandi locus. Etenim ei succedo orationi quae non praetervecta sit aures vestras, sed in animis omnium penitus insederit, ut plus voluptatis ex recordatione illius orationis quam non modo ex mea, sed ex cujusquam oratione capere possitis. II. Sed mos est gerendus non modo Cornelio, cujus ego voluntati in ejus periculis nullo modo deesse possum, sed etiam Cn. Pompeio, qui sui facti, sui judicii, sui beneficii voluit me esse, ut apud eosdem vos, judices, nuper in alia caussa fuerim, et praedicatorem et auctorem.

Ac mihi quidem hoc dignum re videtur, hoc deberi hujus excellentis viri praestantissimae gloriae, hoc proprium esse vestri officii,

Pompeius' eloquence in his Brutus, c. 68. (De Imp. Cn. Pompeii, c. 14, Vol. ii.)

[*de*] *memoria majore de*] Garatoni omits the first 'de' and Baiter follows him. It would be the simplest correction to omit this 'de;' but even then the passage may not be quite sound.—'doctrinae dediti:' this seems like an allusion to the Stoic paradox of the wise man's perfection. The wise man can do any thing.

ei . . tractare] 'ei' C. 'Omnia quae faceret tractare,' the MS. reading, is corrupt. In place of it Baiter prints 'omnia quae faceret recte se dare,' which is Madvig's correction.

L. Crasso] The great orator, the contemporary of M. Antonius. Cicero had seen Crassus when he was a boy. He gives the character of Crassus' oratory in the Brutus (c. 36 38. 43). This great orator spoke well both in court and before the popular assemblies. M. Antonius only excelled in what we call forensic oratory. Cicero has well described the excellence of Crassus. He had one rare merit, "quod difficile est, idem et perornatus et perbrevis." He who could combine great oratorical ornament with great brevity, must have been a rare man. And so Cicero thought, for he says (Brutus, c. 97) that each age scarcely produced a brace of orators worthy of commendation. To make Pompeius equal to L. Crassus was impudent flattery.

2. *auctorem*] P. 'actorem' P². G¹. E. 'Auctorem' in this sense is an 'approver.' Klotz thinks that this sense is already contained in 'praedicatorem;' and accordingly he prefers 'actorem' in the sense of pleader, speaker, patron.

dignum re] There is a variant 're,' but the MSS. have 'rei.' Garatoni has 're p.,' that is 're publica;' and Baiter prints it so. Some editions have 'dignum reo.'

hoc satis esse caussae, ut quod fecisse Cn. Pompeium constet id omnes ei licuisse concedant. Nam verius nihil est quam quod hesterno die dixit ipse, ita L. Cornelium de fortunis omnibus dimicare ut nullius in delicti crimen vocaretur. Non enim furatus esse civitatem, non genus suum ementitus, non in aliquo impudenti mendacio delituisse, non irrepsisse in censum dicitur: unum objicitur natum esse Gadibus, quod negat nemo. Cetera accusator fatetur, hunc in Hispania durissimo bello cum Q. Metello, cum C. Memmio et in classe et in exercitu fuisse; ut Pompeius in Hispaniam venerit Memmiumque habere quaestorem coeperit, numquam a Memmio discessisse, Karthagine esse obsessum, acerrimis illis praeliis et maximis Sucronensi et Turiensi interfuisse, cum Pompeio ad extremum belli tempus fuisse. Haec sunt praelia Cornelii: talis in rem publicam nostram labor, assiduitas, dimicatio, virtus digna summo imperatore, spes pro periculis praemiorum. Praemia quidem ipsa non sunt in ejus facto qui adeptus est, sed in ejus qui dedit. III. Donatus igitur est ob eas caussas a Cn. Pompeio civitate. Id accusator non negat, sed reprehendit, ut in Cornelio caussa ipsius

irrepsisse in censum] Being included in the census would be evidence of citizenship; and to get on the census without being entitled to it would be a fraud. There is a note on 'incensus' in the Pro Caecina, c. 34, Vol. ii.

durissimo bello] In the war against Sertorius. Metellus Pius was sent first, and as he could not bring the war to an end, Cn. Pompeius, then a young man and only an eques, was sent to help Metellus. C. Memmius was the husband of Cn. Pompeius' sister.

Karthagine esse obsessum] This is Madvig's emendation, and nothing better can be made out of the 'isse' or 'esse possessum' or 'possessum esse' of the MSS. Cicero says in the next chapter 'nullius obsessionis.' Carthago is Carthago Nova in Hispania Ulterior.

Sucronensi et Turiensi] The battle on the Sucro (Xucar) was fought between Sertorius and Pompeius, who began his Spanish campaign in B.C. 76. That on the Turia was fought by Sertorius against Metellus and Pompeius together (Plutarch, Sertorius, c. 19, where the common reading is Tuttia, which is incorrect). In the battle on the Sucro Pompeius was wounded and nearly lost his life. The two battles are mentioned in Pompeius' letter to the Roman senate (Sallust, Hist. iii.): "Castra hostium apud Sucronem capta, et praelium apud flumen Durium et dux hostium C. Herennius cum urbe Valentia et exercitu deleti, satis clara sunt" (Ed. Cort.). The readings of C. are 'Duriensi.' Vossius in his note on Mela (ii. 6) supposes that Cicero thought this river Turia to be the same as the Durius. But it is a simpler matter to suppose that 'Duriensi' should either be 'Turiensi,' or that no distinction was sometimes made between the names of the Durius and Turia, though it might be well known that they were different rivers. There is no doubt that the Durius (Duero) is not meant, and that the river is the Turis or Turia, the Guadalaviar, which flows past Valentia. In a fragment of the second book of Sallust's History, we find "flumen Turiam quod Valentiam parvo intervallo praeterfluit."

Haec sunt praelia Cornelii] 'Praelia' is the reading of C. Klotz proposes 'propria' for 'praelia,' because 'propria Cornelii' occurs in the next chapter, and Baiter follows him. Madvig erased 'praelia.'—'non sunt in ejus facto,' &c.: the merit was Balbus', but the rewards were the act of him who gave them.

3. *ut in Cornelio*] The prosecutor does not deny the fact, but he censures it; and the result is that in the person of Cornelius his merit is admitted, but an attempt is made to inflict a penalty on him; in the person of Pompeius the case is damaged,

probetur, poena quaeratur, in Pompeio caussa laedatur, poena sit nulla. Sic famam, sic innocentissimi hominis fortunas, praestantissimi imperatoris factum condemnari volunt. Ergo in judicium caput Cornelii, factum Pompeii vocatur. Hunc enim in ea civitate, in qua sit natus, honestissimo loco natum esse concedis, et ab ineunte aetate relictis rebus suis omnibus in nostris bellis, nostris cum imperatoribus esse versatum, nullius laboris, nullius obsessionis, nullius praelii expertem fuisse. Haec sunt omnia quum plena laudis, tum propria Cornelii; nec in his rebus crimen est ullum. Ubi igitur est crimen?—Quod eum Pompeius civitate donavit.—Hujus crimen? Minime: nisi honos ignominia putanda est. Cujus igitur? Re vera nullius: actione accusatoris, ejus unius qui donavit. Qui si adductus gratia minus idoneum hominem praemio affecisset, qui etiam si virum bonum, sed non ita meritum; si denique aliquid [quod] non contra ac liceret factum diceretur, sed contra atque oporteret, tamen esset omnis ejusmodi reprehensio a vobis, judices, repudianda. Nunc vero quid dicitur, quid ait accusator? fecisse Pompeium quod ei facere non licuerit: quod gravius est, quam si id factum ab eo diceret quod non oportuisset. Est enim aliquid quod non oporteat, etiam si licet. Quidquid vero non licet, certe non oportet.

IV. Hic ego nunc cuncter * * * Quid enim abest huic homini, quod si adesset, jure haec ei tribui et concedi putaremus? Ususne rerum? qui pueritiae tempus extremum principium habuit bellorum atque imperiorum maximorum? cujus plerique aequales minus saepe

but the penalty is none. The emphatic word 'nulla' ends the sentence. Baiter follows Orelli, who has 'nulla nisi famae: sic innocentissimi.' E. has 'nulla si famam;' which seems to be the only authority for the reading 'Sic famam.' It is as easy to write 'sic' for 'si' as to make 'nisi' out of 'si,' and the sentence ought to end with 'nulla.'—'sit natus:' C., 'est natus,' Baiter.

his rebus] 'iis' P. G. Baiter.—'actione accusatoris:' 'as the prosecutor maintains;' or it may mean 'by the fact and form of the proceeding it is made a charge against Pompeius.'

qui etiam si] 'quin etiam si,' Madvig, Baiter.—'aliquid [quod]:' C. 'quod' seems to have been incorrectly repeated.—'contra ac:' see Verr. ii. 4, c. 6, and the note.

licet . . . oportet] The 'licet' is a legal power to do an act. If a man has not this power, he ought not to do the act: he does an immoral act if he does it. He may have legal power to do an act, and yet it may be immoral to do the act, for a man may make an immoral use of a legal power. "Quidquid non oportet, scelus esse; quidquid non licet, nefas putare debemus" (Paradoxa ii.). Cicero also explains 'licet' in another place (Philipp. xiii.).

4. *cuncter*] After this word there is in P. a lacuna of four lines, which is filled up in P². G. E., "neque plene neque probabiliter," as Baiter says.

huic homini] Cn. Pompeius.—'ei tribui:' 'et tribui' C. 'Ei' is the emendation of Lambinus (Baiter).

Ususne rerum] He is sounding the trumpet for Cn. Pompeius. It is the same thing that he has said before (De Imp. Cn. Pompeii). The military career of Pompeius began when he was two-and-twenty. Cicero had now new reasons for his laudations. Pompeius had aided him in the matter of his restoration from exile.

castra viderunt quam hic triumphavit? qui tot habet triumphos quot orae sunt partesque terrarum? tot victorias bellicas quot sunt in rerum natura genera bellorum? An ingenium? quum etiam ipsi casus eventusque rerum non duces, sed comites ejus consiliorum fuerint? in quo uno ita summa fortuna cum summa virtute certavit, ut omnium judicio plus homini quam deae tribueretur. An pudor, an integritas, an religio in eo, an diligentia umquam requisita est? quem provinciae nostrae, quem liberi populi, quem reges, quem ultimae gentes castiorem, moderatiorem, sanctiorem, non modo viderunt, sed aut sperando umquam aut optando cogitaverunt? Quid dicam de auctoritate? quae tanta est quanta in his tantis virtutibus ac laudibus esse debet. Cui senatus populusque Romanus amplissimae dignitatis praemia dedit non postulanti, imperia verum etiam recusanti, hujus de facto, judices, ita quaeri ut id agatur, licueritne ei facere quod fecit, an vero, non dicam, non licuerit, sed nefas fuerit—contra foedus enim, id est contra populi Romani religionem et fidem fecisse dicitur—non turpe populo Romano, nonne vobis? V. Audivi hoc de parente meo puer; quum Q. Metellus, L. F., caussam de pecuniis repetundis diceret, ille vir, cui patriae salus dulcior quam conspectus fuit, qui de civitate decedere quam de sententia maluit—hoc igitur caussam dicente, quum ipsius tabulae circumferrentur inspiciendi nominis caussa, fuisse judicem ex illis equitibus Romanis gravissimis viris neminem, quin removeret oculos

quum etiam ipsi] 'cui etiam ipsi .. comites consiliorum,' Madvig, Baiter.—'deae:' the goddess Fortune who rules human affairs, but Pompeius was a match for her. His merit was greater than his fortune. This goddess appears in the De Prov. Cons. c. 14. (Compare In Cat. i. 6, and the note.)

non modo viderunt, sed aut] "I don't say saw, but in their hopes or thoughts ever imagined." See the remarks on 'non modo,' Vol. i. p. 599.

auctoritate] Here he clearly tells us what the word means. It is the opinion that people have of the man; "which opinion is as high as it ought to be, when a man has such merit and such testimonials of approbation." The use of 'in' in such expressions as 'in tantis laudibus' is a Latin form unlike any thing that we have, and we must express it in some other way. It is very common in Latin. Caesar says (B. G. i. 33): "quod in tanto imperio populi Romani turpissimum sibi et rei publicae esse arbitrabatur." Compare Pro Caelio, c. 19, "cur in tantis praemiis eloquentiae."

non postulanti, imperia verum etiam recusanti] This is Manutius' punctuation, which Baiter has accepted. The common punctuation is 'non postulanti imperia, verum etiam recusanti;' which is plainly not the meaning.

5. *Q. Metellus*] Numidicus, who went into exile because he would not swear 'in legem Saturnini.' Plutarch (Marius, c. 29) has the story, which explains the words 'cui patriae salus,' &c. The story about Metellus and his account books is in the collector of stories, Valerius Maximus (ii. 10), and it is mentioned by Cicero (Ad Att. i. 16). Abrami supposes that the 'tabulae' must have been the private account book of Metellus, which was handed round in order that the judices might look at some entry (nomen); but Cicero says 'in tabulas publicas,' and Valerius, who tells the story plainly, means the 'tabulae publicae,' for he says "qui quum caussam repetundarum diceret, tabulaeque ejus ab accusatore expostulatae." At the time of Numidicus' trial, the date of which is not quite certain, the equites were the judices.

et se totum averteret, ne forte quod ille in tabulas publicas rettulisset dubitasse quisquam verumne an falsum esset videretur. Nos Cn. Pompeii decretum de consilii sententia pronuntiatum recognoscemus? cum legibus conferemus, cum foederibus? omnia acerbissima diligentia perpendemus? Athenis aiunt, quum quidam apud eos, qui sancte graviterque vixisset, [et] testimonium publice dixisset, et ut mos Graecorum est jurandi caussa ad aras accederet, una voce omnes judices ne is juraret reclamasse. Quum Graeci homines spectati viri noluerint religione videri potius quam veritate fidem esse constrictam, nos etiam in ipsa religione et legum et foederum conservanda qualis fuerit Cn. Pompeius dubitabimus? Utrum enim inscientem vultis contra foedera fecisse an scientem? Si scientem; o nomen nostri imperii! o populi Romani excellens dignitas! o Cn. Pompeii sic late longeque diffusa laus, ut ejus gloriae domicilium communis imperii finibus terminetur! o nationes, urbes, populi, reges, tetrarchae, tyranni testes Cn. Pompeii non solum virtutis in bello, sed etiam religionis in pace! vos denique, mutae regiones, imploro et sola terrarum ultimarum; vos, maria, portus, insulae, littora! Quae est enim ora, quae sedes, qui locus in quo non exstent hujus quum fortitudinis, tum vero humanitatis, tum animi, tum consilii impressa vestigia? Hunc quisquam incredibili quadam atque inaudita gravitate, virtute, constantia praeditum foedera scientem neglexisse, violasse, rupisse dicere audebit? VI. Gratificatur mihi gestu accusator: inscientem Cn. Pompeium fecisse significat. Quasi vero levius sit, quum in tanta re publica versere et maximis negotiis praesis, facere aliquid quod scias non licere,

de consilii sententia] See De Lege Agraria, ii. 19, Vol. ii.—'recognoscemus:' see In Vat. c. 2, note.

Athenis aiunt] The man was Xenocrates. The story is in Valerius Maximus (ii. 10). Xenocrates lived an austere life, and even the charming Phryne could not tempt him; about which also Valerius (iv. 3) has a story.—'Quum Graeci:' Baiter following Madvig omits 'Quum,' and with C. has 'noluerunt.' He has also removed the commas after 'homines' and 'viri,' for 'spectati viri' means Xenocrates.

tetrarchae] Abrami refers to In Vatin. c. 12. He adds "adverte vero apostrophen quam opportune et quibus verborum facibus inardescat. Maria, portus, insulas, littora implorat, quia Pompeius efferatos piratarum animos sua lenitate, fide, justitia mitigavit. adi Plutarchum." A note is sometimes useful to remind us that all people do not agree. Many readers may not have the same opinion about this fine passage that Abrami has.

Cicero was now in such an awkward situation that he had to sing the praises of a man whom he did not like, Cn. Pompeius, and of another whom he liked still less, C. Caesar. He has some of the same extravagant talk for both (c. 28).

6. *levius*] Er. Memmius proposed to write 'non levius,' which Lambinus accepted with the remark that 'levius' does not express Cicero's meaning, who intends to say that it is a graver offence for a man who is engaged in public administration not to know what to do, than to do what he knows that he ought not to do. Baiter proposes 'pejus' for 'levius.' The MSS. have 'an omnino,' and one has 'aut omnino.' 'Quam' is Pantagathus' emendation.

quam omnino non scire quid liceat. Etenim utrum qui in Hispania bellum acerrimum et maximum gesserat quo jure Gaditana civitas esset nesciebat, an quum jus illius populi nosset, interpretationem foederis non tenebat? Id igitur quisquam Cn. Pompeium ignorasse dicere audebit, quod mediocres homines, quod nullo usu, nullo studio praediti militari, quod librarioli denique scire profiteantur? Equidem contra existimo, judices, quum in omni genere ac varietate artium, etiam illarum, quae sine summo otio non facile discuntur, Cn. Pompeius excellat, singularem quandam laudem ejus praestabilem esse scientiam in foederibus, pactionibus, conditionibus populorum, regum, exterarum nationum, in universo denique belli jure atque pacis; nisi forte, quae nos libri docent in umbra atque otio, ea Cn. Pompeium, neque quum requiesceret litterae, neque quum rem gereret regiones ipsae docere potuerunt. Atque, ut ego sentio, judices, caussa dicta est. Temporum magis nunc ego vitiis inquam genere judicii plura dicam. Est enim haec seculi quaedam macula atque labes virtuti invidere, velle ipsum florem dignitatis infringere. Etenim, si Cn. Pompeius abhinc annos quingentos fuisset, is vir, a quo senatus adolescentulo atque equite Romano saepe communi saluti auxilium expetisset, cujus res gestae omnes gentes cum clarissima victoria terra marique peragrassent, cujus tres triumphi testes essent totum orbem terrarum nostro imperio teneri, quem populus Romanus in * * singularibusque decorasset; si nunc apud

utrum qui] Baiter, who does not say what the readings are. The common texts have 'etenim quum in Hispania.' 'Quum jus' is Madvig's emendation. P. has 'cujus.' The common texts have 'an cujus linguam populi non nosset:' that is, if he did not know the language, he could have the foedus interpreted for him.

librarioli] 'copiers,' 'writers.'—'se scire:' Lambinus, Baiter.—'belli jure ac pacis:' 'the law of war and peace.' In c. 19 Cicero has the expression 'bellicum jus.' Osenbrueggen (De Jure Belli et Pacis Romanorum, Leipzig, 1836, p. 19) says that the 'universum jus belli et pacis' not only by the Romans, but more frequently by recent writers, has been called Jus Fetiale. The Fetiales were called the 'interpretes Juris belli et pacis' (Cic. De Legg. ii. 14; De Off. iii. 29). But he thinks that the term is not quite exact, and that the authority of the Fetiales was much less than that which is usually attributed to them. The Jus Fetiale, says Osenbrueggen, comprised the formulae, rites, solemnities, and ceremonies which were observed in the declaration, prosecution and ending of a war, and in Foedera.—'regiones:' C. Baiter. The printed books have 'res.'

caussa dicta est] "est. Temporum magis ego nunc vitiis quam, Madvigius (sed *vitio*)," Baiter. C. has 'inquam;' but something is clearly wrong there. The whole passage stands thus in Baiter: 'causa dicta est. Temporum magis ego nunc vitiis quam genere judicii plura dicam.' This cannot be accepted as a restitution. I have printed the passage as it stands in C.; but for 'vitiis' P. has 'ut iis,' and E. has 'citius.'

adolescentulo atque equite] Pompeius was only an eques when he first triumphed (De Imp. Cn. Pomp. c. 10, note, Vol. ii.), and even when he was sent against Sertorius in Spain. Two of his triumphs are alluded to in the oration De Imp. Cn. Pomp. c. 21. In B.C. 61 he had his third triumph after the close of the Mithridatic war.

*in * * singularibusque*] Madvig suggests the filling up of the blank thus 'inauditis,' or 'insignibus singularibusque honoribus.'

nos id quod is fecisset contra foedus factum diceretur, quis audiret? Nemo profecto. Mors enim quum exstinxisset invidiam, res ejus gestae sempiterni nominis gloria niterentur. Cujus igitur audita virtus dubitationi locum non daret, hujus nota atque perspecta obtrectatorum voce laedetur?

VII. Omittam igitur Pompeium jam oratione mea reliqua; sed vos, judices, animis ac memoria tenetote. De lege, de foedere, de exemplis, de perpetua consuetudine civitatis nostrae renovabo ea quae dicta sunt. Nihil enim mihi novi, nihil integri neque M. Crassus, qui totam caussam et pro facultate et pro fide sua diligentissime vobis explicavit, neque Cn. Pompeius, cujus oratio omnibus ornamentis abundavit, ad dicendum reliquit. Sed quoniam me recusante placuit ambobus adhiberi hunc a me quasi perpoliendi quendam operis extremum laborem, peto a vobis, ut me officii potius quam dicendi studio hanc suscepisse operam ac munus putetis. Ac prius quam aggrediar ad jus caussamque Cornelii, quiddam de communi conditione omnium nostrum deprecandae malevolentiae caussa breviter commemorandum videtur. Si quo quisque loco nostrum est, judices, natus, aut si in qua fortuna est nascendi initio constitutus, hunc vitae statum usque ad senectutem obtinere deberet, et, si omnes, quos aut fortuna extulit aut ipsorum illustravit labor et industria, poena sunt afficiendi, non gravior L. Cornelio quam multis viris bonis atque fortibus constitui lex vitae et conditio videretur. Sin autem multorum virtus, ingenium, humanitas ex infimo genere et fortunae gradu non modo amicitias et rei familiaris copias consecuta est, sed summam laudem, honores, gloriam, dignitatem, non intelligo cur potius invidia violatura virtutem L. Cornelii quam aequitas vestra pudorem ejus adjutura videatur. Itaque, quod maxime petendum est, a vobis idcirco non peto, judices, ne de vestra sapientia atque de vestra humanitate dubitare videar. Est autem petendum, ne oderitis ingenium, ne inimici sitis industriae, ne humanitatem opprimendam, ne virtutem puniendam putetis. Illud peto, ut, si caussam ipsam per se firmam esse et stabilem videritis, hominis ipsius ornamenta adjumento caussae potius quam impedimento esse malitis.

VIII. Nascitur, judices, caussa Cornelii ex ea lege quam L. Gellius Cn. Cornelius ex senatus sententia tulerunt. Qua lege

hujus nota atque] G². The rest omit 'nota.' 'Hujus visa atque,' Halm, Baiter.

7. *poena sunt*] 'poena essent,' Halm, Baiter, without any reason.—'videretur C. videtur cum ed. Juntina, O.' Baiter.—'fortunae gradu:' "praesens vel imo tollere de gradu" (Horace, Carm. i. 35, in the ode to Fortuna).—'poeniendam,' Baiter.

8. *L. Gellius*] See the Introduction — 'fundus factus:' a nation or people was

videmus satis esse sanctum, ut cives Romani sint ii quos Cn. Pompeius de consilii sententia singillatim civitate donaverit. Donatum esse L. Cornelium praesens Pompeius dicit, indicant publicae tabulae, accusator fatetur; sed negat ex foederato populo quemquam potuisse, nisi is populus fundus factus esset, in hanc civitatem venire. O praeclarum interpretem juris, auctorem antiquitatis, correctorem atque emendatorem nostrae civitatis, qui hanc poenam foederibus adscribat, ut omnium praemiorum beneficiorumque nostrorum expertes faciat foederatos. Quid enim potuit dici imperitius quam foederatos populos fieri fundos oportere? Nam id non magis est proprium foederatorum quam omnium liberorum. Sed totum hoc, judices, in ea fuit positum semper ratione atque sententia, ut, quum jussisset populus Romanus aliquid, si id adscivissent socii populi ac Latini, et si ea lex quam nos haberemus, eadem in populo aliquo tamquam in fundo resedisset, ut tum lege eadem is populus teneretur; non ut de nostro jure àliquid diminueretur, sed ut illi populi aut jure eo quod a nobis esset constitutum, aut aliquo commodo aut beneficio uterentur. Tulit apud majores nostros legem C. Furius de testamentis; tulit Q. Voconius de mulierum hereditatibus; innumerabiles aliae leges de civili jure sunt latae: quas Latini voluerunt asciverunt. Ipsa denique Julia, qua lege civitas est sociis et Latinis data, qui fundi populi facti non essent, civitatem non haberent. In quo magna contentio Heracli-

said 'fundus fieri,' whether it was a foederate state or a free state, when it accepted something which the Roman state offered; for instance, when the Lex Julia offered the civitas to the Italians on certain terms, those communities obtained it, who chose to accept it, and then such a people 'fundus factus est,' and they are called 'fundani' in the tablet of Heraclea (l. 85). Cicero gives his explanation of the origin of this sense of 'fundus.' Gellius (xvi. 13) says: "Municipes ergo sunt cives Romani ex municipiis legibus suis et suo jure utentes, muneris tantum cum populo Romano honorarii participes, a quo munere capessendo appellati videntur, nullis aliis necessitatibus, neque ulla populi Romani lege adstricti, nisi, inquam, populus eorum fundus factus est." Gellius (xix. 8) has the expression "non ut hujus sententiae legisque fundus subscriptorque fierem." And Plautus (Trinum. v. 1. 7) says:

"Nunc mihi is propere conveniendus est ut quae cum ejus filio
Egi, ei rei fundus pater sit potior."

C. Furius] This was a Lex which limited the amount that could be given as a legacy or as a 'donatio mortis caussa' (Gaius, ii. 225; Ulpian, Fr. i. 2; xxviii. 7), except to certain persons.—'Q. Voconius:' see Vol. i. Index, Lex Voconia.

de civili jure] The Romans made many enactments in matters pertaining to their 'jus civile' or law for the regulation of the ordinary affairs of life, not for the matters that concerned the form of government; and the Latini adopted many of these leges. The Lex Julia was a measure of a different kind (B.C. 90). It offered the civitas on certain terms, but it was necessary for those states which would have the civitas, to accept it by a public act.

Heracliensium] See Pro Archia, c. 4, Vol. iii.—'foederis sui libertatem:' he says that many of the Italians preferred retaining the freedom which the foedus with Rome secured to becoming Roman citizens; for the Roman citizenship brought with it both rights and duties.

As Cicero explains the matter, the accusator mistook the meaning of 'fundus fieri.'

ensium et Neapolitanorum fuit, quum magna pars in iis civitatibus foederis sui libertatem civitati anteferret. Postremo haec vis est istius et juris et verbi, ut fundi populi beneficio nostro, non suo jure fiant. Quum aliquid populus Romanus jussit, id si est ejusmodi ut quibusdam populis sive foederatis sive liberis permittendum esse videatur, ut statuant ipsi non de nostris, sed de suis rebus, quo jure uti velint, tum, utrum fundi facti sint an non, quaerendum esse videatur: de nostra vero re publica, de nostro imperio, de nostris bellis, de victoria, de salute fundos populos fieri noluerunt. IX. Atqui, si imperatoribus nostris, si senatui, si populo Romano non licebit propositis praemiis elicere ex civitatibus sociorum atque amicorum fortissimum atque optimum quemque ad subeunda pro salute nostra pericula, summa utilitate ac maximo saepe praesidio periculis atque asperis temporibus carendum nobis erit. Sed, per deos immortales! quae est ista societas, quae amicitia, quod foedus, ut aut nostra civitas careat in suis periculis Massiliensi propugnatore, careat Gaditano, careat Saguntino; aut si quis ex illis populis sit exortus qui nostros duces auxilio laboris, commeatus periculo suo juverit, qui cum hoste nostro cominus in acie saepe pugnarit, qui se saepe telis hostium, qui dimicationi capitis, qui morti objecerit, nulla conditione hujus civitatis praemiis affici possit? Etenim in populum Romanum grave est, non posse uti sociis excellenti virtute praeditis, qui velint cum periculis nostris sua communicare: in socios vero ipsos, et in eos de quibus agimus foederatos injuriosum et contumeliosum est, iis praemiis et iis honoribus exclusos esse fidelissimos et conjunctissimos socios, quae pateant stipendiariis, pateant hostibus, pateant saepe servis. Nam [et] stipendiarios ex Africa, Sicilia, Sardinia, ceteris provinciis multos civitate donatos videmus; et qui hostes ad nostros imperatores perfugissent et magno usui rei publicae nostrae fuissent, scimus civitate esse

esse videatur] 'esse videtur,' Rumpfius, Baiter.

9. *periculis*] 'periculosis,' Madvig, Baiter; and perhaps rightly. The texts have 'in periculis,' but Baiter quotes no authority for 'in.'

Massiliensi] This Greek town on the south coast of France was an old ally of Rome, and the Romans first got a footing in the south of Gallia from going to help the Massilienses against the natives. (See Pro Flacco, c. 26, Vol. iii.) Justin (lib. 43) has a story about the Massilienses helping the Romans after the capture of Rome by the Galli. Saguntum, the ally of Rome, was taken by Hannibal, and this was the immediate cause of the second Punic war.

auxilio laboris &c.] 'auxilio, labore, commeatu' Lambinus; and that would be better, so far as we can judge.

stipendiariis] Manutius says that the 'stipendiarii' are those who are in a worse condition with respect to Rome than the Foederati. The 'stipendiarii' are the people of a Stipendiaria provincia who pay 'stipendium.' Sicily was not a Stipendiaria provincia (In Verr. ii. 3, c. 6), but Cicero here speaks as if some of the Siculi at least were 'stipendiarii.' He contrasts the two classes 'vectigales multos et stipendiarios' in the Prov. Cons. c. 5.

donatos; servos denique, quorum jus, fortunae, conditio infima est, bene de re publica meritos persaepe libertate, id est civitate, publice donari videbamus.

X. Hanc tu igitur, patrone foederum ac foederatorum, conditionem statuis Gaditanis tuis civibus, ut, quod iis, quos magnis adjutoribus tuis armis subegimus atque in ditionem nostram redegimus, liceat, si populus Romanus permiserit, ut ab senatu, ab imperatoribus nostris, civitate donentur, id ne liceat ipsis? Qui si suis decretis legibusve sanxissent, ne quis suorum civium castra imperatorum populi Romani iniret, ne quis se pro nostro imperio in periculum capitis atque in vitae discrimen inferret, Gaditanorum auxiliis quum vellemus uti nobis non liceret, privatus vero ne quis

jus] 'jus et fortunae conditio' in some editions; but it does not appear that there is any authority for the 'et.' P[1]. G. E. have 'fortunaè.' Baiter has 'fortuna.' If 'jus' is genuine, 'fortunae' in the plural is genuine; and the meaning is whose 'legal state, fortunes, and condition;' for 'fortunae' means a man's goods, all that he has. But the 'quorum jus' is doubtful, especially when said of slaves. 'Jus' with a genitive referring to persons means the law about persons, or the law which determines the legal condition of persons (jus personarum). If 'quorum jus' is Latin, it must be understood in the same way as 'jus Quiritium' is. However a slave had no 'jus' in any sense of the word: he was an object of law, because he was a thing that had a value, but he had no rights (legal); and 'jus' was no more applicable to him than to a horse: "quod attinet ad jus civile servi pro nullis habentur" (Dig. 50. 17. 32): "quia servile caput nullum jus habet, ideo nec minui potest" (Dig. 4. 5. 3). If then Cicero said 'quorum jus,' he spoke of human beings who had no 'jus;' and if he said 'quorum fortunae,' he said this of human beings who could not have property.

'Jus' and 'vis' are written alike in the old MSS., and though 'vis' may not be the true reading, 'vi' may be, as Graevius says, and Cicero may have written, 'quorum vi fortunae conditio infima est.'

libertate . . . publice] 'Presented with their freedom by the state' (publice). Becker (Handbuch &c. ii. p. 76) refers to the oration Pro Rabir. perduell. c. 11, and to Livy, 26, c. 27, who speaks of thirteen slaves who had saved Vesta's temple from fire being purchased by the state and manumitted. Becker supposes that the manumissio was effected by the Vindicta. Cicero tells us that this 'libertas' was equivalent to the 'civitas.' When Gaius wrote there were three classes of libertini, who were either 'cives Romani,' or 'Latini,' or 'dediticii;' and he says (i. 17): "nam in cujus persona tria haec concurrunt, ut major sit annorum triginta, et ex jure Quiritium domini et justa ac legitima manumissione liberetur, id est, vindicta aut censu aut testamento, is civis Romanus fit: sin vero aliquid eorum deerit, Latinus erit." If a slave was emancipated at Rome, being no longer a slave he must have been either Peregrinus or Civis, in some sense of the word 'civis.' In the earlier periods of Roman history when a slave was emancipated, he cannot have been in a better condition than the plebeian class; and the fact of having been a slave always deprived him of the character of Ingenuus. The precise condition of a manumitted slave then must be determined by looking at the several times of the Roman history, and Cicero's remark, which may be taken as expressing a general truth, is not one from which any precise information can be got.

10. *tuis civibus*] The prosecutor was originally a Gaditanus, but had become a civis Romanus in some way, as it seems (see c. 14).

magnis adjutoribus tuis armis] This is clearly corrupt. Madvig supposes that under 'tuis' the word 'illis' may lurk.—'ditionem:' 'conditionem' G. E.—'non liceret:' C. Madvig erases 'non,' and Baiter follows him. There is something to be said both for the 'non' and against it.

privatus] P. G., 'privatim' E.—'patria:' E., 'paterna' P. G., Baiter. The Juntina has 'externa,' which appears in the editions, but it looks like a correction made to fit the word 'alienigenarum.' Halm pro-

vir et animo et virtute praecellens pro nostro imperio periculo suo dimicaret, graviter id jure ferremus minui auxilia populi Romani, debilitari animos fortissimorum virorum, alienigenarum nos hominum studiis atque patria virtute privari. Atqui nihil interest, judices, utrum haec foederati jura constituant, ut ne cui liceat ex iis civitatibus ad nostrorum bellorum pericula accedere, an quae nos eorum civibus virtutis caussa tribuerimus, ea rata esse non possint. Nihil enim magis uteremur his adjutoribus, sublatis virtutis praemiis, quam si omnino his versari in nostris bellis non liceret. Etenim, quum pro sua patria pauci post genus hominum natum reperti sint, qui nullis praemiis propositis vitam suam hostium telis objecerint, pro aliena re publica quemquam fore putatis qui se opponat periculis, non modo nullo proposito praemio, sed etiam interdicto?

XI. Sed quum est illud imperitissime dictum de populis fundis, quod commune est liberorum populorum, non proprium foederatorum, ex quo intelligi necesse est aut neminem ex sociis civem fieri posse aut etiam posse ex foederatis, tum vero jus omne noster iste magister mutandae civitatis ignorat; quod est, judices, non

poses 'privata,' because we have had 'privatus.' The Romans said 'privata res,' 'privatus sumptus,' 'privata vita;' and they may have said 'privata virtus.'

his adjutoribus . . . his versari] Baiter has 'iis' in both cases. The MSS. have both 'iis' and 'his' as usual.

11. *quod commune*] 'quia commune,' Halm, Baiter; a change for which there is no reason at all. In c. 8 it is said: "Quid enim potuit dici imperitius quam foederatos populos fieri fundos oportere? Nam id non magis est proprium foederatorum quam omnium liberorum." Accordingly 'illud,' or that which the prosecutor had said about 'populi fundi,' was said by a man who did not know what he was talking about; for what he said (quod) applies to all 'liberi populi.' 'Ex quo,' from this general principle which is here laid down.

jus . . . mutandae] He knows nothing of the law about a man's changing his state; which a Roman could do without asking permission. The Roman law, as Cicero says, did not allow a citizen to be deprived of his citizenship; 'nor, if he should choose to give up his citizenship, is he without the power of doing it,' if he is only admitted to be a citizen of another state. The principle is simple. A Roman could give up his Roman citizenship, and indeed must give it up, as Cicero says, if he was admitted to the citizenship of another state. Osenbrueggen (De Jure Belli et Pacis, p. 53) has some remarks on the passage in the Caecina (c. 34), where Cicero says that a man who had been given up to the enemy and the enemy had refused to receive him, was still a citizen; and Osenbrueggen compares with the passage in the Caecina this passage, which contains the words 'modo adsciscatur.' The jurisconsults, he says, were of opinion that if the Populus Romanus had ordered a man to be given up to the enemy, the man lost his civitas (Dig. 50. 7. 17; 49. 15. 4). Osenbrueggen concludes that there was no fixed law on the matter, and that the practice shows there was not. For in the case of Maximus (De Or. i. 54), who was given up to the Numantini and not accepted by them, it was a disputed point whether he recovered his civitas by virtue of the Postliminium when he returned. Pomponius says (Dig. 50. 7. 17) that a Lex was afterwards enacted to give him the Roman civitas; which is evidence that he was considered to have lost it.

But Cicero in this passage is not speaking of such a case as that in the oration Pro Caecina. Generally, he says that a man cannot lose his 'civitas' against his will; and generally, this was true, though there were exceptions to the rule. Again, he says, that he cannot help losing the civitas, if he is admitted as a citizen of another state; and if his doctrine is true that by the Ro-

solum in legibus publicis positum, sed etiam in privatorum voluntate. Jure enim nostro neque mutare civitatem quisquam invitus potest, neque si velit mutare non potest, modo adsciscatur ab ea civitate cujus esse se civitatis velit: ut, si Gaditani sciverint nominatim de aliquo cive Romano ut sit is civis Gaditanus, magna potestas sit nostro civi mutandae civitatis, nec foedere impediatur quo minus ex cive Romano civis Gaditanus possit esse. Duarum civitatum civis noster esse jure civili nemo potest; non esse hujus civitatis civis qui se alii civitati dicarit potest. Neque solum dicatione, quod in calamitate clarissimis viris Q. Maximo, C. Laenati, Q. Philippo Nuceriae, C. Catoni Tarracone, Q. Caepioni, P. Rutilio Smyrnae vidimus accidisse, ut earum civitatum fierent cives:—hanc ante amittere non potuissent quam hoc solum civitatis mutatione vertissent—sed etiam postliminio potest civitatis fieri mutatio. Neque

man law a man could not be a citizen of Rome and of another state too, it is a certain conclusion that such a person either did not become the citizen of another state by being received into it, or that he ceased to be a Roman citizen. Now it cannot be maintained that such a person did not become a citizen of the state into which he was admitted, for the Romans had no doctrine of allegiance like ours. Therefore he ceased to be a Roman citizen. The doctrine is sound and consistent; and Osenbrueggen has proved nothing against it by mixing up the case in the Pro Caecina and the case which we have here. The Roman principle about a man changing his citizenship is simple. There was not and hardly could be a formal mode of renouncing the Roman citizenship, before a man had got another place to go to. In the civilized states of Europe in all ages a man must have a country of which he is a citizen, or in which he is a subject. The evidence to the Romans that a citizen had left their state, would be the fact of his having been received into another state. The rule that a citizen or subject cannot renounce the obedience which he owes to his state, and this is the law of England, is founded on a principle which can no longer be strictly maintained, the principle of allegiance to the crown. But if an Englishman formally renounces his allegiance by becoming a citizen of another state, as he often does, it is just that if he should be considered to have rid himself of the duty of his allegiance, he should also lose all the rights which his allegiance secures him.

se . . . dicarit] Here we have an instance of a use of 'dicare,' which shows the meaning of the word. If he 'shall have attached himself to another state.'—'in calamitate:' after being condemned for some offence, or leaving Rome to avoid sentence. It is uncertain what Q. Maximus Cicero speaks of. One Laenas named P. Popilius Laenas was driven from Rome by a Lex of C. Gracchus, and afterwards restored (Vol. iii. Index). Abrami conjectures that Philippus is Q. Marcius Philippus, who was consul with Cn. Servilius Caepio (B.C. 169), and had the province Macedonia (Liv. Ep. 44). These men became citizens of Nuceria (Nocera), the Campanian Nuceria, as we may assume. There was a Nuceria in Umbria, and two others of the name. C. Cato's condemnation is alluded to in the Verrine orations (ii. 4, c. 10). He retired to Tarraco (Tarragona) in Hispania Citerior. Q. Caepio is the man who plundered Tolosa (Toulouse) and the Gallia Provincia B.C. 106, and was defeated by the Cimbri. Valerius (vi. 9) says he died in prison. P. Rutilius Rufus was wrongfully convicted by the Roman Equites, who were at that time the Judices. (Pro M. Fonteio, c. 17, and the note, Vol. ii.)

vidimus accidisse] 'videmus accidisse,' Madvig, Baiter.—'hanc ante;' '*nam* hanc ante,' Halm, Baiter. Madvig proposes 'cum hanc.'

postliminio] This word had two meanings; for it expressed either a man's recovering his former status or recovering a thing. (Dig. 49. 15. 14.) It is only the former of these two meanings that is referred to here. If a Roman citizen was captured by the enemy, he sustained a 'maxima capitis diminutio;' and all his civil rights were in abeyance. But he recovered them

enim sine caussa de Cn. Publicio Menandro, libertino homine, quem apud majores legati nostri in Graeciam proficiscentes interpretem secum habere voluerunt, ad populum latum est, ut is Publicius, si domum revenisset et inde Romam rediisset, ne minus civis esset. Multi etiam superiore memoria cives Romani sua voluntate, indemnati et incolumes, his rebus relictis, alias se in civitates contulerunt.

XII. Quod si civi Romano licet esse Gaditanum sive exsilio sive postliminio sive rejectione hujus civitatis—ut jam ad foedus veniam, quod ad caussam nihil pertinet; de civitatis enim jure, non de foederibus disceptamus—quid est quamobrem civi Gaditano in hanc civitatem venire non liceat? Equidem longe secus sentio. Nam quum ex omnibus civitatibus via sit in nostram, quumque nostris civibus pateat ad ceteras iter civitates, tum vero, ut quaeque

'postliminio' if he returned home. If a man who had been captured by an enemy, returned home, it was a legal fiction that he had always been at home, and a clear consequence, if such a fiction was accepted as a fact, that he was still a citizen. There was a difference of opinion about the etymology of Postliminium (Cicero, Top. c. 8). Plutarch has an explanation of the Postliminium, after his fashion (Quaest. Rom. 5). Cicero gives the word another sense: He applies it to the case of a man, who had by his own act ceased to be the citizen of a state, and subsequently resumed his original political condition 'postliminio,' that is, by returning and claiming it, we must suppose.

sine caussa] But there seems no reason at all; for how could a man lose his Roman 'civitas' by returning to his former city, if he returned without the intention of resuming his former condition? And this was the opinion of Pomponius (Dig. 49. 15. 5, § 3): "Captivus autem, si a nobis manumissus fuerit et pervenerit ad suos, ita demum postliminio reversus intelligitur, si malit eos sequi quam in nostra civitate manere, et ideo in Atilio Regulo, quem Carthaginienses Romam miserunt, responsum est non esse eum postliminio reversum, quia juraverit Carthaginem se reversurum et non habuerat animum Romae remanendi. Et ideo in quodam interprete Menandro, qui postea quam apud nos manumissus erat missus est ad suos, non est visa necessaria lex quae lata est de illo, ut maneret civis Romanus; nam sive animus ei fuisset remanendi apud suos, desineret esse civis, sive animus fuisset revertendi maneret civis, et ideo esset lex supervacua."

his rebus relictis] The MSS. have 'iis' and 'his.' Halm proposes 'suis' in place of 'his,' which Baiter has injudiciously accepted. 'His rebus' means Rome and all that is in it. So Cicero says in a letter to Quintus (i. 1, c. 5): "Quamobrem qui potes reperire ex eo genere hominum, qui pecuniae cupiditate adducti careant iis rebus omnibus, a quibus nos divulsi esse non possumus," &c., where 'iis rebus omnibus' means Rome and all that is in it.

12. *exsilio*] See Pro Caecina, c. 34, and Cicero's remarks there on 'exsilium.' The 'postliminio' can only be explained thus. Cicero is speaking of a Gaditanus, who had become a Roman citizen, and such a Gaditanus could become a Gaditanus again by returning to Gades with the intention of again becoming a citizen of Gades. A Roman citizen might then become a Gaditanus either by retiring to Gades in 'exsilium,' or by returning to Gades (postliminio) if he was originally a Gaditanus; or by giving up (rejectione) the Roman civitas and taking that of Gades.

ex omnibus civitatibus] Rome grew great by opening her doors to the people of other states.—'societate, amicitia,' &c. Osenbrueggen (p. 83) remarks on these terms that they are the words of the orator, and they do not contain an enumeration of the various kinds of relationship established between other people and the Romans, but merely express what he has said before (c. 6): "praestabilem esse scientiam in foederibus, pactionibus, conditionibus, populorum, regum, exterarum nationum, in universo denique belli jure ac pacis."

nobiscum maxime societate, amicitia, sponsione, pactione, foedere est conjuncta, ita mihi maxime communionem beneficiorum, praemiorum, civitatis continere videtur. Atqui ceterae civitates omnes non dubitarent nostros homines recipere in suas civitates, si idem nos juris haberemus quod ceteri. Sed nos non possumus et hujus esse civitatis et cujusvis praeterea: ceteris concessum est. Itaque in Graecis civitatibus videmus, Athenis Rhodios, Lacedaemonios, ceteros undique ascribi, multarumque esse eosdem homines civitatum. Quo errore ductos vidi egomet nonnullos imperitos homines nostros cives Athenis in numero judicum atque Areopagitarum, certa tribu, certo numero, quum ignorarent, si illam civitatem essent adepti, hanc se perdidisse, nisi postliminio recuperassent. Peritus vero nostri juris ac moris nemo umquam, qui hanc civitatem retinere vellet, in aliam se civitatem dicavit.

XIII. Sed hic totus locus disputationis atque orationis meae, judices, pertinet ad commune jus mutandarum civitatum: nihil habet quod sit proprium religionis ac foederum. Defendo enim rem universam, nullam esse gentem ex omni regione terrarum, neque tam dissidentem a populo Romano odio quodam atque discidio neque tam fide benevolentiaque conjunctam, ex qua nobis interdictum sit [ut] ne quem adsciscere civem aut civitate donare possimus. O jura praeclara atque divinitus jam inde a principio Romani nominis a majoribus nostris comparata, ne quis nostrum plus quam unius civitatis esse possit: dissimilitudo enim civitatum varietatem juris habeat necesse est: ne quis invitus civitate mutetur

communionem . . . continere] 'communione . . . contineri' Weiske, Baiter. C. has what is in the text; which may be right, I think.

nos non possumus] Compare Pro Caecina, c. 34, and the note. Abrami quotes a passage from Nepos' Life of Atticus, in which it is said that Atticus refused the citizenship of Athens, which the Athenians would have given him; for this reason "quod nonnulli ita interpretantur amitti civitatem Romanam alia adscita." The Roman principle was right. A man cannot owe obedience to two independent sovereign powers, for though it is indifferent for many purposes whether a man is a citizen of one state or of twenty, it is not indifferent for all purposes. He cannot give his obedience to more than one state, and if he belonged to two states he might have to obey, if he could, contradictory commands. Both might require his help in war, and each might claim it against the other. There is no difficulty in a double citizenship about property, for all the property that a man has in any country may be regulated by the law of that country. The chief difficulty is in his person and in the relations which depend on personality, the relations of husband and father.

certa tribu] These ignorant fellows (imperiti) whom Cicero had seen were enrolled in one of the ten Attic tribes. He says 'certo numero:' in a certain place or rank, either in the tribus, or among the judices, as Klotz suggests. This loss of Roman citizenship could, however, be recovered by 'postliminium,' by returning to Rome, and settling there.

13. *Defendo enim rem*] 'I maintain the universal proposition.'—'[ut] ne quem:' E. The other MSS. omit 'ut.'

juris habeat . . . mutetur] 'Varietatem neve' P[1]. The words which follow 'varietatem' are in P[2]. ('juris . . . mutetur'

neve in civitate maneat invitus. Haec sunt enim fundamenta firmissima nostrae libertatis, sui quemque juris et retinendi et dimittendi esse dominum. Illud vero sine ulla dubitatione maxime nostrum fundavit imperium, et populi Romani nomen auxit, quod princeps ille, creator hujus urbis, Romulus foedere Sabino docuit etiam hostibus recipiendis augeri hanc civitatem oportere. Cujus auctoritate et exemplo numquam est intermissa a majoribus nostris largitio et communicatio civitatis. Itaque et ex Latio multi et Tusculani et Lanuvini, et ex ceteris generibus gentes universae in civitatem sunt receptae, ut Sabinorum, Volscorum, Hernicorum; quibus ex civitatibus nec coacti essent civitate mutari, si qui noluissent, nec, si qui essent civitatem nostram beneficio populi Romani consecuti, violatum foedus eorum videretur.

XIV. At enim quaedam foedera exstant, ut Cenomanorum,

above the line), and G. E. Baiter prints 'varietatem * * * neve in' &c., supposing that these words are not genuine. I do not see why they should not be genuine. The remark is good 'dissimilitudo enim civitatum varietatem juris habeat necesse est,' for the reasons which I have given; not for Manutius' silly reason: "neminem autem decet vario jure vivere." And the rest is good too. Freedom consists in a man being able to retain his condition as a citizen of his own country if he chooses, or to give it up if he likes, and go to another country, if he can find one which will accept him. England admits the foreigner to a limited citizenship without troubling herself about the way that other states will view the act, and she refuses to release her own citizens from their duty to her. The United States of North America admit foreigners also to their citizenship after five years' residence and complying with certain forms; but the foreigners must be free white persons. For the first time in the history of the world a man's political condition is made to depend on his colour. But the existence of coloured slaves in America explains this strange rule. I believe it is doubtful whether by American law an American citizen can renounce his citizenship.

Illud vero] Here Cicero tells us one of the causes of Rome's greatness. She received even enemies, and made them citizens. Abrami quotes Dionysius (Antiq. Rom. ii. c. 16), who commends the wisdom of Romulus who established a state with a few thousand men, and left forty-six thousand in it. Dionysius blames Lycurgus and other Greeks for their exclusive rules. The Greek, who was no critical investigator of facts, has drawn a true political lesson from the story of Romulus. The literal truth or falsehood of the story is an idle question. The fact is certain that Rome from an early time grew by receiving foreigners, as England and the United States have done and still do. Rome did not shut out the rest of mankind, not even her enemies. Machiavelli has briefly touched on this difference between Rome and Athens and Sparta in his chapter entitled, "Rome became a great state by ruining the neighbouring states and admitting foreigners easily to her honours." (Discorsi ii. 3.)

et Tusculani et Lanuvini] 'Ut . . ut . .' Baiter.—'generibus:' Baiter has 'regionibus,' an emendation of Rumpfius, and a very bad one.—'Volscorum:' C. have 'uuiscorum.' The emendation is an old one and very obvious, both from the context and the corrupted form. Probably there is also a MSS. reading 'Volscorum.'

civitate mutari] 'civitatem mutare' G². I do not know what the other MSS. have. I suppose it is 'civitate mutari,' which Baiter has. Klotz quotes Festus (p. 53, Lindem.): "Deminutus capite appellabatur qui civitate mutatus est et ex alia familia in aliam adoptatus;" remarking that the last editor, inconsiderately enough, has changed 'mutatus' into 'multatus.'

14. *At enim*] 'Et enim' C., Baiter. But it is a supposed objection, and it should be 'at enim.'—'Cenomanorum:' the common reading is 'Germanorum.' Nothing is known of any treaty with the Germans, except what was made in Caesar's consulship (B.C. 59), when the German Ariovistus

Insubrium, Helvetiorum, Iapidum, nonnullorum item ex Gallia barbarorum, quorum in foederibus exceptum est ne quis eorum a nobis civis recipiatur. Quod si exceptio facit ne liceat, ibi necesse est licere ubi non est exceptum. Ubi est igitur exceptum foedere Gaditano, ne quem populus Romanus Gaditanum recipiat civitate? Nusquam. Ac sicubi esset, lex id Gellia et Cornelia, quae definite potestatem Pompeio civitatem donandi dederat, sustulisset. Exceptum, inquit, est foedus, si quidem sacrosanctum est. Ignosco tibi si neque Poenorum jura calles, reliqueras enim civitatem tuam, neque nostras potuisti leges inspicere; ipsae enim te a cognitione sua judicio publico reppulerunt. Quid fuit in rogatione ea, quae de Pompeio a Gellio et a Lentulo consulibus lata est, in quo aliquid [sacrosanctum] exceptum videretur? Primum enim sacrosanctum

received the title of 'Rex atque amicus' from the Roman Senate, apparently to keep him quiet (In Vatin. c. 12, note). Madvig alters 'Germanorum' to 'Cenomanorum.' P[1].G.E. have 'genumanhorum,' P[2]. 'germanorum,' and the correction is nearly certain.—'Helvetiorum:' the Helvetii defeated the Romans B.C. 107, and sent their army under the yoke. Some foedus may have been made with them after this battle (Caesar, B. G. i. 7). The Insubres were Galli of Gallia Transpadana, whose capital was Milan. They were now completely subjugated. The Iapides, Iapodes or Iapydes were Illyrians, or a mixture of Celts and Illyrians, on both sides of the Albius Mons, and east of Liburnia (Strabo, p. 207). They were defeated B.C. 129 by C. Sempronius Tuditanus (Appian, Illyr. c. 10). After mentioning these nations Cicero says 'nonnullorum item ex Gallia barbarorum;' but the Helvetii were Gallic Celtae; and the Insubres were Italian Galli. Cicero alludes to the Aedui who were Celtae, and had often been called 'fratres et consanguinei' by the Roman Senate (Caesar, B. G. i. 33). Cicero knew nothing about the Helvetii, and he had not carefully read his friend Caesar's despatches of the year B.C. 58, or he would have known who they were.—'ibi . . . exceptum:' from the ed. Naug. C. have only 'ubi necesse est licere.' Baiter following Madvig has 'ubi non est [sit, Madv.] exceptum, ibi necesse est licere.'

Gellia et Cornelia] It might be inferred that this Lex gave Pompeius power to confer the civitas, and did not merely confirm the civitas which he had conferred.—'sacrosanctum est:' he explains this word afterwards. Cicero has been arguing in this fashion. We have a foedus with some nations by which we are not permitted to admit any of their people to our civitas. If then this exception prevents us from doing it, we can do it where there is no such exception. There is no such exception in the foedus with the Gaditani; and if there were, the Lex Gellia et Cornelia removes the exception by the power which it confers on Pompeius. Cicero's opponent is supposed still to object, and to say that a foedus is excepted when it is sacrosanctum; a foedus which is sacrosanctum excludes every Lex. Cicero shows that the foedus with Gades is not 'sacrosanctum.'

Poenorum jura] The prosecutor was of Gades, and Gades was a Phoenician colony. — 'judicio publico:' the prosecutor had been convicted for something, we must suppose. But I don't see how he could not know the Roman Leges for that reason. It seems that he could be a prosecutor. Pantagathus proposed 'cognitione sui,' and 'recte,' as Ursini says.

in quo aliquid [sacrosanctum]] Pantagathus wrote 'in quo.' The MSS. have 'in qua.' Madvig erased 'sacrosanctum.' He also writes 'sanxit' for 'sanxisset;' and he may be right.

The 'sanctiones' are the sanctions, that which secures the observance of some rule or agreement. Madvig would write 'aut genere ipso atque obtestatione legis aut poena;' and Nipperdey proposes 'genere ipso aut obtestatione legis aut consecratione personae' (Baiter). 'Sacrosanctum' is defined by Festus (quoted by Abrami) thus: "Sacrosanctum dicitur, quod jurejurando interposito est institutum, si quis id violasset ut morte poenas penderet."

It is generally supposed that the text is corrupt. Klotz maintains that it is not; and

esse nihil potest nisi quod populus plebesve sanxisset: deinde sanctiones sacrandae sunt aut genere ipso aut obtestatione et consecratione legis aut poenae, quum caput ejus qui contra fecerit consecratur. Quid habes igitur dicere de Gaditano foedere ejusmodi? Utrum a capitis consecratione an obtestatione legis sacrosanctum esse confirmas? Nihil omnino umquam de isto foedere ad populum, nihil ad plebem latum esse dico. De quibus [igitur] etiamsi latum esset [neque legem neque poenam gratam esse,] ne quem civem reciperemus, tamen id esset quod postea populus jussisset ratum, neque quidquam illis verbis, Si quid sacrosanctum esset, esse exceptum videretur, de iis, quum populus Romanus nihil umquam jusserit, quidquam audes dicere sacrosanctum fuisse? XV. Nec vero haec oratio mea ad infirmandum foedus Gaditanorum, judices, pertinet. Neque enim est meum contra opinionem vetustatis, contra jus

he explains it. 'Sanctiones sacrandae sunt aut genere ipso' means, he says, 'the sanctiones which consist in the penalty of a curse exist either in and by themselves;' that is, stand in no relation to any thing else, but contain their own determination in themselves. The words 'aut obtestatione et consecratione legis aut poenae,' he interprets, 'or they consist in the hallowing which is effected by calling on the gods and the penal curse of a legal rule or of a penalty, so far as the head of him, who shall act in violation of all this, is devoted to the infernal gods.' He has some further remarks on this sentence; but this is sufficient to explain the way in which he views it.

The following words 'a capitis . . . legis' refer, as he correctly remarks, to the special foedus of the Gaditani, and accordingly Cicero has no occasion to use such words as 'genere ipso.' He comes to particulars.

Utrum a capitis] 'utrum capitis' Ant. Augustinus, Baiter.—['neque legem . . . gratam esse']: these words are corrupt, at least the word 'gratam;' and if we put 'ratam' in place of 'gratam,' as Klotz suggests, or any other word, the whole clause is superfluous and ill placed. The meaning of the sentence without these words is clear, but it is very difficult to translate. Cicero says: "I affirm that no legislative proposition about that foedus of the Gaditani was ever made to the populus or the plebs." He adds: "Even if there had been an enactment that we should not receive any citizen of some particular state, still a subsequent expression of the will of the populus would have its full effect, and it would not be admitted that any thing was excepted by virtue of those words, 'If any thing had been ratified under the penalty of a curse:' and when we are speaking of a people, with respect to whom the populus has never expressed its will, do you venture to say that in such a case any thing is ratified under the penalty of a curse?" This is the meaning; nor can it be expressed in fewer words. It is necessary to keep the order of the ideas in the sentence, that the opposition between 'de quibus' and 'de iis' may be maintained. But a good translation of this sentence is almost impossible. It is a useful example of the power of the Latin language, and of the small flexibility which it has for the purpose of translation.

15. *haec oratio*] P. and Baiter omit 'haec.'—'duo fulmina:' Virgil (Aeneid. vi. 843):

"et geminos duo fulmina belli
Scipiadas."

In Vat. c. 11 he has 'lumina civitatis.' Lucret. iii. 1034, "Scipiadas, belli fulmen."

The two Scipiones lost their lives in Spain in the second Punic war (Livy, 25, c. 37). Livy calls L. Marcius an 'eques.' I suppose he might be both an eques and a centurion of the first rank (primi pili). The Romans had various expressions. They said 'primum pilum ducere' (Caesar, B. G. v. 35); also they said 'primipilus' (Caesar, B. G. ii. 25). Caesar also says 'primi pili centurio' (B. G. iii. 5). The 'primi pili centurio' is the first in rank of the sixty centurions in a legion. Lucan (i. v. 356) says "summi tunc munera pili."

optime meritae civitatis, contra auctoritatem senatus dicere. Duris enim quondam temporibus rei publicae nostrae, quum praepotens terra marique Karthago nixa duabus Hispaniis huic imperio immineret, et quum duo fulmina nostri imperii subito in Hispania, Cn. et P. Scipiones, exstincti occidissent, L. Marcius, primipili centurio, cum Gaditanis foedus icisse dicitur. Quod quum magis fide illius populi, justitia nostra, vetustate denique ipsa, quam aliquo publico vinculo religionis teneretur, sapientes homines et publici juris periti, Gaditani, M. Lepido Q. Catulo consulibus, a senatu de foedere postulaverunt. Tum est cum Gaditanis foedus vel renovatum vel ictum. De quo foedere populus Romanus sententiam non tulit, qui injussu suo nullo pacto potest religione obligari. Ita Gaditana civitas, quod beneficiis suis erga rem publicam nostram consequi potuit, quod imperatorum testimoniis, quod vetustate, quod Q. Catuli summi viri auctoritate, quod judicio senatus, quod foedere, consecuta est; quod publica religione sanciri potuit, id abest. Populus enim se nusquam obligavit. Neque ideo est Gaditanorum caussa deterior. Gravissimis enim et plurimis rebus est fulta. Sed isti disputationi certe nihil est loci. Sacrosanctum enim nihil potest esse nisi quod per populum plebemve sanctum est. XVI. Quod si hoc foedus, quod populus Romanus auctore senatu, commendatione et judicio vetustatis, voluntate et sententiis suis comprobat, idem suffragiis comprobasset, quid erat cur ex ipso foedere Gaditanum in civitatem nostram recipi non liceret? Nihil est enim aliud in foedere nisi ut PIA ET AETERNA PAX sit. Quid id ad civitatem? Adjunctum illud etiam est, quod non est in omnibus foederibus: MAJESTATEM POPULI ROMANI COMITER CONSERVANTO. Id habet hanc vim, ut

icisse] A correction of Nic. Angelius. The MSS. have 'iecisse' or 'fecisse;' and 'fecisse' may be right.—'publici juris:' 'the law which treats of public matters;' here it means the kind of law which treats of the relation of a state to other states.

sententiam non tulit] There was no vote of the populus, and therefore the populus was not bound by the religious sanction of the foedus, renewed or made by the Senate. A sovereign power by its will can undo what it has done, can repeal any law; but if a lex was sanctioned by a penal curse, it was impossible to repeal it, so long as the religious belief which gave the sanction maintained its dominion in the minds of the populus.

16. *pia et aeterna*] He has said that even if the Populus had ratified by their votes the foedus with the Gaditani, that would make no objection to a Gaditanus, being admitted as a Roman citizen; for the foedus only provided for peace for ever between the Romans and the Gaditani. Sometimes a foedus was made for a limited time between Rome and another state, and when the time had expired, it was formally renewed, if both sides wished it.

conservanto] Lambinus. C. has 'conservant;' and Lambinus says that some of the MSS. have 'conservat.' The imperative is the true form, as we see in the fragments of the Twelve Tables and in the Edicta. Cicero properly observes that 'conservanto,' a form used in legislation rather than in 'foedera,' implies a command; and a 'command' is a necessary part of a law.—'in foedere inferior?' Baiter added the ? as Madvig suggests; and it is necessary, unless we read 'conservato,' and suppose 'ille' to mean the 'populus Gaditanus.'

sit ille in foedere inferior? Primum verbi genus hoc CONSERVANTO, quo magis in legibus quam in foederibus uti solemus, imperantis est, non precantis. Deinde quum alterius populi majestas conservari jubetur, de altero siletur, certe ille populus in superiori conditione caussaque ponitur, cujus majestas foederis sanctione defenditur. In quo erat accusatoris interpretatio indigna responsione, qui ita dicebat, "comiter" esse "communiter;" quasi vero priscum aliquod aut insolitum verbum interpretaretur. Comes benigni, faciles, suaves homines esse dicuntur;

—— qui erranti comiter monstrat viam,

benigne, non gravate: communiter quidem certe non convenit. Et simul absurda res est caveri foedere ut majestatem populi Romani communiter conservent, id est, ut populus Romanus suam majestatem esse salvam velit. Quod si jam ita esset, ut esse non potest, tamen de nostra majestate, nihil de illorum caveretur. Potestne igitur nostra majestas a Gaditanis benigne conservari, si ad eam retinendam Gaditanos praemiis elicere non possumus? Potest esse ulla denique majestas, si impedimur quo minus per populum Romanum beneficiorum virtutis caussa tribuendorum potestatem imperatoribus nostris deferamus?

XVII. Sed quid ego disputo, quae mihi tum, si Gaditani contra me dicerent, vere posse dici viderentur? Illis enim repetentibus L. Cornelium responderem, legem populum Romanum jussisse de civitate tribuenda; huic generi legum fundos populos fieri non

de altero siletur] The proper use, as it seems, of this passive form; but in the Pro Flacco, c. 3, he says "ea res siletur."

comiter] The line is from Ennius (Cic. De Off. i. 16):

"Ut homo qui erranti comiter monstrat viam."

The word 'comiter' is used in a passage of the Digest (49. 15. 7, § 1) which helps to explain this chapter: "Liber autem populus est is qui nullius alterius populi potestati est subjectus, sive qui foederatus est, item sive aequo foedere in amicitiam venit, sive foedere comprehensum est ut is populus alterius populi majestatem comiter conservaret. Hoc enim adjicitur ut intelligatur alterum populum superiorem esse." Such a treaty was made between the Aetolians and Romans (Polyb. Exc. Legg. xxviii.): ὁ δῆμος ὁ τῶν Αἰτώλων τὴν ἀρχὴν καὶ τὴν δυναστείαν τοῦ δήμου τῶν Ῥωμαίων ἀδόλως τηρείτω (Osenbrueggen). Klotz observes that Livy (38, c. 11) tells us the same about this league: "Imperium majestatemque populi Romani gens Aetolorum conservato sine dolo malo." Such a foedus as that between the Romans and Aetolians was a 'foedus non aequum,' for it contained an acknowledgment of Rome's supremacy, in terms vague enough, but so much the worse for the Aetolians. The foedus with the Gaditani was also 'non aequum,' but the terms were very different from those of the Aetolian foedus.

17. *huic generi*] This dative is explained by the meaning of 'fundus' in the sense of 'auctor.' Cicero has some further remarks on the word in c. 18. Baiter does not say if there is any authority for a reading 'hoc genere' which Manutius had.—'nullum . . jussum:' the Populus Romanus had made no Lex or Plebiscitum about the Foedus with the Gaditani, and accordingly if any thing was excepted in the Lex, there was nothing 'sacrosanctum' to except; for, as he has said several times, there being no Lex about the Foedus with the Gaditani, there was nothing 'sacrosanctum' in the Foedus.

solere; Cn. Pompeium de consilii sententia civitatem huic dedisse, nullum populi nostri jussum Gaditanos habere, itaque nihil esse sacrosanctum quod lege exceptum videretur; si esset, tamen in foedere nihil esse cautum praeter pacem; additum esse etiam illud, ut majestatem illi nostram conservare deberent, quae certe minueretur, si aut adjutoribus illorum civibus uti in bellis nobis non liceret, aut praemii tribuendi potestatem nullam haberemus. Nunc vero quid ego contra Gaditanos loquar, quum id quod defendo voluntate eorum, auctoritate, legatione ipsa comprobetur? qui a principio sui generis [aut rei publicae ii] ab omni studio sensuque Poenorum mentes suas ad nostrum imperium nomenque flexerunt; qui, quum maxima bella nobis inferrentur, * moenibus excluserunt, classibus insecuti sunt, corporibus, opibus, copiis depulerunt; qui et veterem illam speciem foederis Marciani semper omni sanctiorem arce duxerunt, et hoc foedere Catuli senatusque auctoritate se nobiscum conjunctissimos esse arbitrati sunt; quorum moenia, delubra, agros, ut Hercules ipse itinerum ac laborum suorum, sic majores nostri imperii ac nominis populi Romani terminos esse voluerunt. Testantur et mortuos nostros imperatores, quorum vivit immortalis memoria et gloria, Scipiones, Brutos, Horatios, Cassios, Metellos, et hunc praesentem Cn. Pompeium, quem procul ab eorum moenibus acre et magnum bellum gerentem, commeatu pecuniaque juverunt, et hoc tempore ipso populum Romanum, quem in caritate annonae, ut saepe ante fecerant, frumento suppeditato

Again, if there had been any thing 'sacrosanctum' in the Foedus, it was only peace which was sacrosanct or secured by the penalty of a curse, for peace was the only thing which the Foedus provided for.

minueretur] Here we get a clear expression of the meaning of 'majestas.' It is something which may be impaired or diminished in magnitude. See Vol. ii. Index, Majestas.

a principio sui generis] The words which follow are corrupt. Abrami explains 'a principio,' 'from the foundation of their state;' which is quite false, if Cicero means that. He also suggests that 'a principio,' &c. means 'from the Carthaginians,' with whom the Gaditani had a common origin, both being from Tyre.

qui, quum] C. The old editions have 'quos quum.' If 'qui' is right, an accusative before 'moenibus' is wanting, some word which would say who the enemies were, whom they 'excluded from their walls,' as Madvig remarks. The common reading in the printed books is 'inferrent.' The MSS. quoted by Baiter have 'ferentur' or 'ferrentur.' 'Inferrentur' is in the 'ed. Ascensiana prima' (Baiter).

Hercules . . terminos] Hercules went no further than Gades, as Cicero says. It was an old tradition about Hercules visiting Spain, and returning by way of Italy with Geryon's cattle which he had stolen (Livy, i. 7). Gades was the western limit of the Roman world. See De Domo, c. 30, and the note.

Scipiones] He enumerates the Roman commanders who had served in Spain, the two Scipiones Cn. and P., and D. Brutus called Callaicus (Livy, Epit. 55, 56). The Horatii and Cassii are unknown. In place of 'Cassios,' Manutius read 'Crassos,' and supposed P. Crassus to be meant, the father of M. Crassus, the contemporary of Cn. Pompeius. Q. Metellus Pius conducted the war in Spain against Sertorius, first alone and then with Cn. Pompeius.

frumento suppeditato] The Gaditani sup-

levarunt, se hoc jus esse velle, ut sibi et liberis, si qui eximia virtute fuerit, sit in nostris castris, sit in imperatorum praetoriis, sit denique inter signa atque in acie locus, sit his gradibus ascensus etiam ad civitatem. XVIII. Quod si Afris, si Sardis, si Hispanis, agris stipendioque mulctatis, virtute adipisci licet civitatem, Gaditanis autem, officiis, vetustate, fide, periculis, foedere conjunctis, hoc idem non licebit, non foedus sibi nobiscum, sed iniquissimas leges impositas a nobis esse arbitrabuntur. Atque hanc, judices, non a me fingi orationem, sed me dicere quae Gaditani judicarint res ipsa declarat. Hospitium multis annis ante hoc tempus cum L. Cornelio Gaditanos fecisse publice dico. Proferam testes, * eram legatos; excito laudatores; ad hoc judicium, summos homines ac nobilissimos, deprecatores hujus periculi, missos videtis. Re denique multo ante Gadibus inaudita, fore huic ut ab illo periculum crearetur, * * gravissima autem in istum civem suum Gaditani senatusconsulta fecerunt. Potuit magis fundus populus Gaditanus fieri, quoniam hoc magno opere delectare verbo, si tum fit fundus quum scita ac jussa nostra sua sententia comprobat, quam quum hospitium fecit, ut et civitate illum mutatum esse fateretur et hujus civitatis honore dignissimum judicaret? Potuit certius interponere judicium

plied the Romans with corn 'at this time,' at the time when they were supplying Pompeius in the war with Sertorius; and they had supplied the wants of Rome before. Gades is an island separated from the mainland by a narrow channel. It must have been supplied with corn from the fertile plains of Andalusia, and we may perhaps assume that the Gaditani had public granaries in which they kept stores. These and other facts show that it was a large city with an extensive commerce.

18. *Afris*] The inhabitants of the Roman Provincia Africa formed in B.C. 146. Part of their lands were made Roman, the property of the State, and the people paid Stipendium. (De Lege Agraria, ii. 22, Vol. ii.) Sardinia with Corsica was another Roman province, which was formed in B.C. 231. Sardinia was a conquered country, and it was treated with severity. The land was made Publicus, paid a tenth of the produce, and also 'stipendium' or a money payment. (Livy, 23, c. 32, 41.) Both Hispaniae contained many Stipendiariae civitates.

testes] 'testesseram (testeseram P[1].) legatos excito laudatores ad' C. Baiter following Madvig writes, 'proferam tesseram; legatos excito; laudatores ad hoc judicium .... missos videtis.' The word 'testeseram' is intended either for 'tesseram,' the first three letters being repeated; or it is intended for 'testes' followed by 'proferam' or some other word ending in 'eram.' If 'tesseram' is the reading, we must understand that Cicero offers to produce the 'tessera hospitalis' as evidence of what the Gaditani had done for Balbus. The best evidence that Cicero could produce would be the witnesses, whom he mentions afterwards. If we compare the words at the end of the chapter, they correspond with what we have here. 'Cives . . . legavit, testes hujus juris, vitae laudatores, periculi deprecatores;' where we have 'legati, testes, laudatores, deprecatores,' which is exactly the enumeration mentioned here, except that the order is not quite the same. I think it is likely that the 'eram' at the end of 'testeseram' may mean nothing at all; and that the passage should stand thus: 'Proferam testes legatos; excito laudatores; ad hoc judicium,' &c.

Re . . . inaudita] 'When it was whispered long before at Gades, that some trouble was going to be caused to Balbus by the prosecutor.' After the word 'crearetur' something about Balbus seems to have been omitted, as Halm discovered. In place of 'gravissima autem' some editions have 'gravissima tum.'

interponere judicium] Baiter following

voluntatis suae quam quum etiam accusatorem hujus mulcta et poena mulctavit? potuit magis de re judicare quam quum ad vestrum judicium cives amplissimos legavit, testes hujus juris, vitae laudatores, periculi deprecatores? Etenim quis est tam demens quin sentiat jus hoc Gaditanis esse retinendum, ne septum sit iis iter perpetuo ad hoc amplissimum praemium civitatis, et magno opere iis esse laetandum, hujus L. Cornelii benevolentiam erga suos remanere Gadibus, gratiam et facultatem commendandi in hac civitate versari? Quis enim nostrum est cui non illa civitas sit hujus studio, cura, diligentia, commendatior? XIX. Omitto quantis ornamentis populum istum C. Caesar, quum esset in Hispania praetor, affecerit, controversias sedarit, jura ipsorum permissu statuerit, inveteratam quondam barbariam ex Gaditanorum moribus disciplinaque delerit, summa in eam civitatem hujus rogatu studia et beneficia contulerit. Multa praetereo, quae quotidie labore hujus et studio aut omnino aut certe facilius consequuntur. Itaque et adsunt principes civitatis et defendunt; amore ut suum civem; testimonio ut nostrum; officio ut ex nobilissimo civi sanctissimum hospitem; studio ut diligentissimum defensorem commodorum suorum. Ac ne ipsi Gaditani arbitrentur, quamquam nullo incom-

Madvig writes 'interponere indicium.' 'Indicium' and 'judicium' are often confounded. Klotz has defended the expression 'judicium interponere' as one of Cicero's expressions, which nobody will dispute (see c. 23). But Baiter doubts if 'judicium voluntatis' is a proper expression. I see no reason to doubt, though I cannot find it elsewhere.—'multa et poena notavit,' Baiter.

19. *C. Caesar*] C. Caesar was praetor in Hispania Ulterior in B.C. 61 and 60. Plutarch (Caesar, c. 11) has a short notice of Caesar's government of Spain. He says: "After his military success he was equally fortunate in settling the civil administration by establishing friendly relations among the different states, and particularly by healing the differences between debtors and creditors." Suetonius (Caesar, 7) and Dion Cassius (37, c. 52) say something about Caesar's quaestorship in Spain, which was perhaps in B.C. 68. Dion Cassius speaks of Caesar being at Gades in his quaestorship and also in his praetorship. His quaestorship in Spain is alluded to in the last chapter of the book on the Spanish war.

jura . . . statuerit] 'Jura statuere,' like 'dare jura,' means to establish rules of law, which Caesar did.—'ipsorum permissu,' for Gades was a 'foederata civitas.' It is conjectured that Caesar put an end to the human sacrifices at Gades, for this Phoenician colony probably followed this barbarous practice, which seems so inconsistent with the enterprising and commercial character of the Phoenician. But as the poet says

"Tantum religio potuit suadere malorum."
(Lucretius i. 101.)

Aldus Nepos wrote 'quandam' for 'quondam,' and Lambinus also thinks that 'quandam' is right. Klotz thinks that 'quondam' is better, because it removes the origin of the barbarity, whatever it was, to a remoter period. There is some weight in this remark. A barbarous practice long established, originating in times very remote, and continued in compliance with custom, is less a matter of reproach than 'a certain barbarous practice inveterately rooted in a people.' We may assume that it was something which all sensible people wished to get rid of, that popular superstition and ignorance opposed any change, and that Caesar who was sagacious and not superstitious, helped to put an end to this practice.

consequuntur] So it stands in some old editions. Baiter has 'consequantur.'

modo afficiantur, si liceat eorum cives virtutis caussa in nostram civitatem venire, tamen hoc ipso inferius esse suum foedus quam ceterorum, consolabor et hos praesentes viros optimos et illam fidelissimam atque amicissimam nobis civitatem; simul et vos non ignorantes, judices, admonebo, quo de jure hoc judicium constitutum sit, de eo numquam omnino esse dubitatum.

Quos igitur prudentissimos interpretes foederum, quos peritissimos bellici juris, quos diligentissimos in exquirendis conditionibus civitatum atque caussis esse arbitramur? Eos profecto qui jam imperia ac bella gesserunt. XX. Etenim si Q. Scaevola ille augur, quum de jure praediatorio consuleretur, homo juris peritissimus, consultores suos nonnumquam ad Furium et Cascellium praediatores rejiciebat; si nos de aqua nostra Tusculana M. Tugionem potius quam C. Aquillium consulebamus, quod assiduus usus uni rei deditus et ingenium et artem saepe vincit, quis dubitet de foederibus et de toto jure pacis et belli omnibus juris peritissimis imperatores nostros anteferre? Possumusne igitur tibi probare auctorem exempli atque facti illius, quod a te reprehenditur, C. Marium? quaeris aliquem graviorem, constantiorem, praestantiorem virtute, prudentia, religione, [aequitate]? Is igitur, M. Annium Appium, fortissimum

constitutum sit] C. 'est' Halm, Baiter; 'est' seems right.—'bellici juris:' in c. 6, 'belli jus,' the more common form, and Caesar's (B. G. i. 44).

20. *Q. Scaevola*] The 'augur' as he says, the man whom Cicero attached himself to when he was young (De Am. c. 1). Scaevola was a great master of law; but being consulted about a matter which referred to the 'jus praediatorium' he sometimes referred his clients (consultores) to two men, who had particularly studied this branch of law. Valerius Maximus (viii. 12) tells the same story. A praediator is defined to be a man who buys lands (praedia) which have been sold by the state as forfeited lands. Gaius (ii. 59—61) has some remarks on a matter of law, in which remarks he explains 'praediator' thus: "Item si rem obligatam sibi populus vendiderit, eamque dominus possederit, concessa est usureceptio: sed hoc casu praedium biennio usurecipitur, et hoc est quod vulgo dicitur ex praediatura possessionem usurecipi; nam qui mercatur a populo praediator appellatur." In this passage of Cicero 'praediatores' seem to be persons acquainted with the 'jus praediatorium' as the context shows, and as Valerius understood the passage. These men may have been 'praediatores' (purchasers of such property) and well versed in all the law about it. There is no allusion here to the common rules of law about pawning or pledging. The rules of law applicable to the cases here alluded to were the rules about property (praedia), which had been made a security to the state (see In Verr. ii. 1, c. 54, and the note); and it may be that these 'praediatores' made all the law about 'praedia' their particular study. Cascellius is the name of a jurist whose witty Responsum is recorded by Macrobius (In Vatin. c. 15, note). The jurist Cascellius who is often cited in the excerpts in the Digest, was living after the establishment of Augustus' power; and as this Cascellius is mentioned as contemporary with Scaevola the augur and having some legal reputation, he cannot be the jurist Cascellius unless he attained a very great age. It has been suggested that he may have been the jurist's father.

aqua Tusculana] De Lege Agraria, iii. c. 2, Vol. ii.—'C. Aquillium:' Cicero's friend the jurist. See Pro P. Quintio, Vol. ii.

[*aequitate*] *? Is igitur &c.*] The Juntine reading. Halm, followed by Baiter, has 'religione? Is igitur Iguvinatem,' which he has made, I suppose, out of the MSS. reading 'religionis igitur aequitate.'—'sum-

virum summa virtute praeditum, civitate donavit, quum Camertinum foedus sanctissimum atque aequissimum sciret esse. Potest igitur, judices, L. Cornelius condemnari ut non C. Marii factum condemnetur? Exsistat ergo ille vir parumper cogitatione vestra, quoniam re non potest, ut conspiciatis eum mentibus quem oculis non potestis: dicat se non imperitum foederis, non rudem exemplorum, non ignarum belli fuisse: se P. Africani discipulum ac militem; se stipendiis, se legationibus bellicis eruditum; se, si tanta bella legisset, quanta gessit et confecit, si tot consulibus meruisset, quoties ipse consul fuisset, omnia jura belli perdiscere ac nosse potuisse; sibi non fuisse dubium quin nullo foedere a re publica bene gerenda impediretur: a se ex conjunctissima atque amicissima civitate fortissimum quemque esse delectum: neque Iguvinatium neque Camertium foedere esse exceptum, quo minus eorum civibus a populo Romano praemia virtutis tribuerentur. XXI. Itaque quum paucis annis post hanc civitatis donationem acerrima de civitate quaestio Licinia et Mucia lege venisset, num quis eorum,

ma virtute:' 'summa' was added by Gryphius. After 'civitate donavit' Halm prints in italics 'idem cohortes duas universas Camertium civitate donavit,' which Madvig has proposed on the authority of what is said in this chapter and in the twenty-second.

Camerinum was a town in the north of Umbria near the frontiers of Picenum. The foedus of the Romans and the Camertes is mentioned by Livy (28, c. 45) who says their 'foedus' was 'aequum.' Menippus one of the legati of Antiochus (Livy, 34, c. 57) divides 'foedera' into three classes or kinds, which he describes. Osenbrueggen (p. 87) does not accept Menippus' division. He divides 'foedera' into 'aequa' and 'non aequa.' He gives as an example of an 'aequum foedus' the foedus of the Romans and the Latini (A.U.C. 261) and the foedus of the Romans and the Hernici (Dionys. vi. 95; Liv. ii. 33, 41). He says: "Unless those foedera had been altogether aequa, the Latini would not have demanded that at Rome one consul should be a Roman, and the other a Latin, so that they should make one people with Rome as the capital. On the rejection of this demand by the Romans, war began, and on the termination of the war the Latini having the inferiority, the old Latin constitution was dissolved, and in place of the 'aequum foedus,' which the Latini had, they were compelled to surrender" (in deditionem venerunt).

non ignarum belli] 'non ignarum bellici juris,' Halm, Baiter. P. has 'belli * *.' The other MSS. quoted by Baiter have 'belli.'—'legisset:' "*legisset* ed. Aldina. *egisset* C." (Baiter). Yet some editions of Cicero have still 'egisset,' a word without a meaning here.—'si tot consulibus meruisset:' 'if he had only served under consuls as many in number as the number of his own consulships.' In place of 'consul fuisset' Abrami proposed 'consul fuit,' in order to make the tense the same as 'gessit' and 'confecit;' and there is no good reason why the tenses should not be the same.

Iguvinatium] The Iguvinates were the people of Iguvium (Gubbio) in Umbria. In place of 'Iguvinatium' Lambinus read 'Fulginatium,' for which there is probably no MSS. authority. P[1]. G[1]. E. have 'iguinatium,' which is clearly a corruption of 'Iguvinatium.'

21. *Licinia et Mucia*] This was a Lex enacted in the consulship of L. Licinius Crassus the Orator and Q. Mucius Scaevola Pontifex Maximus, whom Cicero (De Off. iii. 11) calls 'sapientissimi consules.' The object of this Lex was to prevent those Italians from acting as Roman citizens who were not Roman citizens. Asconius (In Cornel. p. 67) says this Lex was one of the chief causes of the Italic war, which began three years after. In the passage in the Pro Sestio, c. 13, "Nihil acerbius socii," &c. the Schol. adds, "Hujusmodi leges ferri dicebantur de civibus redigendis, qualem tulerat L. Licinius Crassus et Q. Mucius Scaevola, ut redire socii et Latini in

qui de foederatis civitatibus esset civitate donatus, in judicium est vocatus? Nam Spoletinus T. Matrinius, unus ex iis quos C. Marius civitate donasset, dixit caussam ex colonia Latina in primis firma et illustri. Quem quum disertus homo L. Antistius accusaret, non dixit fundum Spoletinum populum non esse factum—videbat enim populos de suo jure, non de nostro, fundos fieri solere—sed, quum lege Apuleia coloniae non essent deductae, qua lege Saturninus C. Mario tulerat, ut in singulas colonias ternos cives Romanos facere posset, negabat hoc beneficium re ipsa sublata valere debere. Nihil habet similitudinis ista accusatio; sed tamen tanta auctoritas in C. Mario fuit, ut non per L. Crassum, affinem suum, hominem incredibili eloquentia, sed paucis ipse verbis caussam illam gravitate sua defenderit et probarit. Quis enim esset, judices, qui imperatoribus nostris in bello, in acie, in exercitu delectum virtutis, qui sociis, qui foederatis in defendenda re publica nostra spem praemiorum eripi vellet? Quod si vultus C. Marii, si vox, si ille imperatorius ardor oculorum, si recentes triumphi, si praesens valuit aspectus, valeat auctoritas, valeant res gestae, valeat memoria, valeat fortissimi et clarissimi viri nomen aeternum. Sit hoc discrimen inter gratiosos cives atque fortes, ut illi vivi fruantur opibus suis, horum etiam mortuorum, si quisquam hujus imperii defensor mori potest, vivat auctoritas immortalis. XXII. Quid, Cn. Pompeius pater rebus

civitates suas juberentur" (Schol. Bob. pro Sestio, p. 296).

Nam Spoletinus] 'For as to the case of T. Matrinius of Spoletium.' Matrinius belonged to a Latina colonia. Spoletium (Spoleto) was in Umbria. The Colonia was settled B.C. 241.

The Lex Apuleia was one of the several leges proposed by the tribune L. Apuleius Saturninus. We know no more of this Lex than what Cicero tells us, and what is contained in a passage of Aurelius Victor (De Viris Illustr. c. 73), who says that Saturninus designed to send colonists to Sicily, Achaia, and Macedonia. Victor also speaks of a proposal by Saturninus to give to Marius' veterans one hundred 'jugera' each in Africa.

non dixit] '*non* Lallemandus' (Baiter). The old text is 'Spoletinus dixit.' E. omits 'Spoletinus.' Manutius remarked that 'Spoletinus' was not wanted, and that 'non' was. The prosecutor did not say that the man of Spoletium, a Latina colonia, was not a Roman citizen, because the people of Spoletium had not assented to what Marius had conferred on him. "He saw that it was the practice for people 'fundi fieri' about something which concerned their own state, and not about something which concerned the Roman State."—'re ipsa sublata:' the 'coloniae' were not established, and accordingly the power which Saturninus' Lex had given to Marius (C. Mario tulerat) never existed, for the power depended on the 'coloniae' being established.

In place of 'tulerat' Gronovius says "Pater cogitavit fortassis legendum *detulerat*." But the conjecture is unnecessary.

L. Crassum] The orator was connected with Marius by marriage.

ardor oculorum] Marius had a 'peculiaris ardor oculorum' says Abrami; on which he quotes the story of Marius in the dungeon of Minturnae, when the slave who was sent in to kill him saw his bright eyes in the dark, and was alarmed at his terrible voice. (Plutarch, Marius, c. 39.) This chapter about Marius weakens Balbus' case. Marius, as Cicero says, maintained what he had done, though he had done it illegally; and the example is recommended for imitation.

22. *Cn. Pompeius*] The father of Cicero's great friend. Pompeius the father

Italico bello maximis gestis P. Caesium equitem Romanum, virum bonum, qui vivit Ravennae, foederato ex populo, nonne civitate donavit? quid, cohortes duas universas Camertium? quid, Heracliensem Alexam P. Crassus, vir amplissimus, ex ea civitate, quacum prope singulare foedus Pyrrhi temporibus C. Fabricio consule ictum putatur? quid, Massiliensem Aristonem [L.] Sulla? quid, quoniam de Gaditanis agimus, idem heros novem Gaditanos? quid, vir sanctissimus et summa religione ac modestia, Q. Metellus Pius, Q. Fabium Saguntinum? quid, hic qui adest, a quo haec, quae ego nunc percurro, subtilissime sunt omnia perpolita, M. Crassus, non Avennensem foederatum civitate donavit, homo quum gravitate et prudentia praestans, tum vel nimium parcus in largienda civitate? Hic tu Cn. Pompeii beneficium vel potius judicium et factum infirmare conaris, qui fecit quod C. Marium fecisse audierat, fecit quod P. Crassum, quod L. Sullam, quod Q. Metellum, quod denique domesticum auctorem patrem suum facere viderat? Neque vero id in uno Cornelio fecit. Nam et Gaditanum Hasdrubalem ex bello illo Africano, et Mamertinos obvios, et quosdam Uticenses et Saguntinos Fabios civitate donavit. Etenim quum ceteris praemiis digni sunt, qui suo labore et periculo nostram rem publicam defendunt, tum certe dignissimi sunt qui civitate ea donentur, pro qua

was consul during the Italic war (B.C. 89). He defeated the Picentes and the Marsi, and did other service in this war.—'qui vivit Ravennae:' Baiter 'qui vivit, Ravennatem.' I do not know what is the authority for either of these readings; nor do I find any notice of Ravenna having a Foedus with Rome.

Camertium] After 'Camertium' Baiter adds '*C. Marius*.' Plutarch (Marius, c. 28): "Marius had presented with the citizenship a thousand of the people of Camerinum, who had particularly distinguished themselves in the war; this was considered to be an illegal proceeding, and being charged with it by several persons in public, he replied that he could not hear the law for the din of arms."

Heracliensem Alexam] Lambinus' restoration of the corrupt MSS. readings, and a very probable restoration. It is a correction which can do no harm, even if it is not true, for the only mistake will be in the man's name. Some editors have 'Heracleensem legionem,' which is rather too much. As to Heraclea, see Vol. iii. Index.

P. Crassus] The father of M. Crassus, now living.—'idem heros:' something is corrupt here. Baiter prints 'erosnovem Gaditanum.' Probably we have lost the man's name, and only one person was mentioned, though C. has 'Gaditanos.'

Q. Metellus Pius] He who commanded against Sertorius in Spain. Cicero speaks of Metellus' 'modestia;' but Sallust (Hist. ii.), quoted by Abrami, and Plutarch, Sertorius (c. 22), give a different account of him. Metellus was greatly elated by a victory over Sertorius, and showed that he had a great deal of vanity and little sense.—'Avennensem:' some corrupted name probably. The common reading in the printed books is 'Aletrinensem.' The only name which resembles the MSS. would be 'Avenionensem,' an ethnic name of Avenio (Avignon) in Gallia Narbonensis.—'quod P. Crassum:' Baiter conjectures that in this enumeration the words 'quod M. Crassum' have been lost; and he makes this conclusion by comparing c. 28.

illo Africano] In the war which Pompeius conducted in Africa against Cn. Domitius and Hiarbas king of the Numidae, B.C. 81. (De Imp. Cn. Pompeii, c. 10, and the note.)

obvios] A corrupted word, for which Baiter has substituted Buchanan's emendation 'Ovios;' but it is of no value.

pericula ac tela subierunt. Atque utinam qui ubique sunt propugnatores hujus imperii possent in hanc civitatem venire, et contra oppugnatores rei publicae de civitate exterminari! Neque enim ille summus poeta noster Hannibalis illam magis cohortationem quam communem imperatoriam voluit esse:

> Hostem qui feriet erit, inquit, mihi Karthaginiensis, Quisquis erit, cuiatis:

etsi id habent [hoc] leve et semper habuerunt. Itaque et cives undique fortes viros adsciverunt et hominum ignobilium virtutem persaepe nobilitatis inertiae praetulerunt.

XXIII. Habetis imperatorum summorum et sapientissimorum hominum, clarissimorum virorum, interpretationem juris ac foederum: dabo etiam judicum, qui huic quaestioni praefuerunt, dabo universi populi Romani, dabo sanctissimum et sapientissimum judicium etiam senatus. Judices quum prae se ferrent palamque loquerentur, quid essent lege Papia de M. Cassio Mamertinis repetentibus judicaturi, Mamertini publice suscepta caussa destiterunt. Multi in civitatem recepti ex liberis foederatisque populis liberati sunt: nemo umquam est de civitate accusatus, quod aut populus fundus factus non esset, aut quod foedere civitatis mutandae jus impediretur. Audebo etiam hoc contendere, numquam esse condemnatum quem constaret ab imperatore nostro civitate donatum. Cognoscite nunc populi Romani judicium multis rebus interpositum atque in maximis caussis re ipsa atque usu comprobatum. Cum Latinis omnibus foedus esse ictum Sp. Cassio Postumo Cominio consulibus quis ignorat? quod quidem nuper in columna aenea meminimus post rostra incisum et perscriptum fuisse. Quomodo igitur L. Cossinius Tiburs, pater hujus equitis Romani, optimi atque

ille summus] Ennius, who is often quoted by Cicero. Baiter writes the whole passage thus: 'Hostem qui feriet, erit, inquit, mihi Karthaginiensis, Quisquis erit. Cujus civitatis sit, id habent hodie leve et semper habuerunt.' 'Hodie' is Halm's correction in place of 'hoc.' The passage is apparently corrupt, or Cicero has not given the exact words of Ennius.

23. *huic quaestioni*] A 'quaestio' about a matter of this kind.—'lege Papia:' see Pro Archia, c. 5, note, Vol. iii. Manutius says that there were two Leges Papiae on this matter; but there is no doubt that he is mistaken. The Mamertini claimed M. Cassius as a citizen; but the Judices showed that they would maintain his title to the Roman civitas, and the Mamertini, who had commenced the prosecution on behalf of their state, gave up the case. This M. Cassius was a citizen of Messana, who, on becoming a Roman citizen, had taken a Roman name.

liberati sunt] If these words are genuine, they mean 'liberati judicum sententia,' as Gruter says. — 'esse ictum:' Madvig, Baiter; which the corrupt readings 'esset cum' and 'esse cum' show to be the true reading. This is the Foedus mentioned in the notes to c. 20. Livy mentions the bronze on which this Foedus was cut. But why does Cicero say 'nuper?' He may have seen it when he was a boy, and it may have been destroyed in some of the disturbances at Rome in Marius' and Sulla's time.—'Tiburs:' Nauger. 'tibur,' C.

ornatissimi viri, damnato T. Coelio, quomodo ex eadem civitate T. Coponius, civis item summa virtute et dignitate,—nepotes T. et C. Coponios nostis—damnato C. Masone civis Romanus est factus An lingua et ingenio patefieri aditus ad civitatem potuit, manu et virtute non potuit? anne de nobis trahere spolia foederatis licebat, de hostibus non licebat? an, quod adipisci poterant dicendo, id eis pugnando assequi non licebat? an accusatori majores nostri majora praemia quam bellatori esse voluerunt?

XXIV. Quod si acerbissima lege Servilia principes viri et gravissimi et sapientissimi cives hanc Latinis, id est foederatis, viam ad civitatem populi jussu patere passi sunt, neque his est hoc reprehensum Licinia et Mucia lege, quum praesertim genus ipsum accusationis et nomen et ejusmodi praemium, quod nemo assequi posset nisi ex senatoris calamitate, neque senatori neque bono cuiquam nimis jucundum esse posset, dubitandum fuit quin, quo in genere judicum praemia rata essent, in eodem judicia imperatorum valerent? Num fundos igitur factos populos Latinos arbitramur aut Serviliae legi aut ceteris, quibus Latinis hominibus erat propositum aliqua ex re praemium civitatis? Cognoscite nunc judicium senatus, quod semper judicio est populi comprobatum. Sacra Cereris, judices, summa majores nostri religione confici caerimoniaque voluerunt; quae quum essent assumpta de Graecia, et per Graecas curata semper sunt sacerdotes et Graeca omnia nominata. Sed quum illam, quae Graecum illud sacrum monstraret et faceret, ex Graecia deligerent, tamen sacra pro civibus civem facere voluerunt, ut deos immortales scientia peregrina et externa, mente domestica et civili precaretur. Has sacerdotes video fere aut Neapolitanas aut Velienses fuisse, foederatarum sine dubio civitatum.

damnato] These men got the Roman 'civitas' by prosecuting a Roman citizen to conviction, under the Lex Servilia de pecuniis repetundis. (Rein, Das Criminalrecht der Römer, p. 619.)

bellatori] 'bellatorum' G. E.

24. *his*] C. 'jus' Madvig, Baiter. The reading of the common editions is 'in his;' and I suppose 'in' is a modern addition. Something is wrong in the text. The emendation 'jus' is very probable; and perhaps it may be considered certain.—'Licinia et Mucia:' c. 21.—'et ejusmodi:' the 'et' was added by Ernesti; and it seems necessary.

judicum praemia] These are the 'praemia' which the prosecutor got by the verdict of the judices. The judices' verdict condemned, and the prosecutor got the Roman 'civitas' as a reward for his pains.

Serviliae legi] This is a correction of Valesius. C. has 'Servilia lege,' but the dative is required. Compare c. 17, "huic generi legum," and the note.

Sacra Cereris] Compare what he says about Ceres in the Verrine orations (ii. 4, c. 51): "quae sacra, ut erant revera, sic appellari Graeca voluerunt."

Neapolitanas] A Foedus Neapolitanum is mentioned at an early period. (Livy, viii. 26.) Velia, a foederate town on the coast of Lucania, was Greek; and according to tradition founded by Phocaeans, who were also the founders of Massilia. (Gellius, x. 16, on the authority of Hyginus.) Valerius, in his chapter De Religione (i. 1), says:

Mitto vetera: proxime dico ante civitatem Veliensibus datam, de senatus sententia C. Valerium Flaccum, praetorem urbanum, nominatim ad populum de Calliphana Veliense, ut ea civis Romana esset, tulisse. Num igitur aut fundos factos Velienses aut sacerdotem illam civem Romanam factam non esse, aut foedus et a senatu et a populo Romano violatum arbitrabimur?

XXV. Intelligo, judices, in caussa aperta minimeque dubia multo et plura, et a pluribus peritissimis esse dicta, quam res postularet. Sed id factum est, non ut vobis rem tam perspicuam dicendo probaremus, verum ut omnium malevolorum, iniquorum, invidorum animos frangeremus; quos ut accusator incenderet, ut aliqui sermones hominum alienis bonis maerentium etiam ad vestras aures permanarent et in judicio ipso redundarent, idcirco illa in omni parte orationis suae arte aspergi videbatis: tum pecuniam L. Cornelii, quae neque invidiosa est, et, quantacumque est, eiusmodi est ut conservata magis quam correpta esse videatur; tum luxuriam, quae non crimine aliquo libidinis, sed communi maledicto notabatur; tum Tusculanum, quod Q. Metelli fuisse meminerat et L. Crassi, Crassum emisse de libertino homine, Soterico Marcio, ad Metellum pervenisse de Venonii Vindicii bonis non tenebat; simul illud nesciebat praediorum nullam esse gentem, emptionibus ea solere saepe ad alienos homines, saepe ad infimos, non legibus tamquam tutelas pervenire. Objectum est etiam, quod in tribum Crustuminam pervenerit: quod hic assecutus est legis de ambitu praemio, minus invidioso, quam qui legum praemiis praetoriam

"Cereri quoque quam more Graeco venerari instituerant sacerdotium a Velia, quum id oppidum nondum civitatis nomen accepisset, Calcitanam peterent, vel, ut alii dicunt, Calliphennam, ne deae vetustis ritibus perita deesset antistes. Cujus quum in urbe pulcherrumum templum haberent, Gracchano tumultu moniti Sibyllinis libris ut vetustissimam Cererem placarent, Ennam quoniam sacra ejus inde orta credebant, decem viros ad eam propitiandam miserunt." — 'arbitrabimur:' 'arbitramur,' Baiter.

25. *suae*] 'sua,' P. G.: 'summa,' Cod. Oxon. S. Baiter.—'invidiosa:' not enough to make him an object of envy and dislike. But Balbus was rich. He left a legacy of twenty-five drachmae to every Roman. (Dion, 48, c. 32.)—'correpta:' 'corrupta,' G.

Tusculanum] A villa at Tusculum, which Balbus possessed. It had passed through many hands, and once it had been possessed by a libertinus. Such properties, says Cicero, often change hands: they are not limited to any particular 'gens.' It seems that originally the old allotments in the Ager Romanus were not saleable. (See Pro Sulla, c. 2, and the note, Vol. iii.) Cicero says that praedia can be sold, and they do not devolve like 'tutelae' by the rules of law (legibus) on the next of kin. (Pro Flacco, c. 34, Vol. iii.)

Crustuminam] A tribus which took its name from the Latin city Crustumerium or Crustumium, into which Balbus was admitted, as a reward for prosecuting to conviction some one under the Leges de Ambitu. It seems probable that the prosecutor got admission into the tribus of the man who was convicted, if it was a more honourable tribus than that to which the prosecutor belonged. Baiter follows C, which has 'Clustuminam,' and he refers to the Pro Plancio, c. 16.

praetoriam sententiam] Halm suggests 'senatoriam' for 'praetoriam.' Abrami

sententiam et praetextam togam consequuntur. Et adoptio Theophani agitata est, per quam Cornelius nihil est praeterquam propinquorum suorum hereditates assecutus.

XXVI. Quamquam istorum animos, qui ipsi Cornelio invident, non est difficillimum mitigare. More hominum invident, in conviviis rodunt, in circulis vellicant; non illo inimico, sed hoc maledico dente carpunt. Qui amicis L. Cornelii aut inimici sunt aut invident, ii sunt huic multo vehementius pertimescendi. Nam huic quidem ipsi quis est umquam inventus inimicus, aut quis jure esse potuit? Quem bonum non coluit? cujus fortunae dignitatique non concessit? Versatus in intima familiari-

remarks that "some persons by way of honour or reward, although they had not obtained curule honores, were allowed to speak among the consulares or praetorii, or even the aedilitii." The 'praetexta toga' is the dress of consuls, praetors, and curule aediles (Cicero, Verr. ii. 5, c. 14; In Vatin. c. 7; Pro Cluentio, c. 56); and here Cicero speaks of men who obtained a praetorian or senatorian rank and a 'praetexta.' Manutius says that when a magistratus after being elected was convicted of ambitus, those who had prosecuted him to conviction got his place; but there is no authority for this.

Theophani] The adoption by Theophanes of Mitylene, the favourite of Cn. Pompeius Magnus (Pro Archia, c. 10). He adopted Balbus. Capitolinus (Maximus et Balbinus, c. 7) speaking of Balbinus says, "Familiae vetustissimae, ut ipse dicebat, a Balbo Cornelio Theophane originem ducens, qui per Cn. Pompeium civitatem meruerat, cum esset suae patriae nobilissimus, idemque historiae scriptor." Cicero mentions this adoption in a letter to Atticus (vii. 7, "adoptatum . . Gaditanum a Mitylenaeo"). Baiter has 'adoptatio,' the reading of P. The form in Gaius is 'adoptio.'

propinquorum] 'Balbus has got nothing by this adoption except the hereditates of his own propinqui.' This is obscure. Manutius supposes that Balbus gave all that he got by this adoption to his own relations; and so may be said to have got not his own 'hereditas,' but the 'hereditates' of his 'propinqui' Klotz does not accept Manutius' absurd interpretation, and he proposes another, which seems to assume that Theophanes was dead. But he was alive when this speech was delivered and long after, and Balbus could not have got the 'hereditas' of Theophanes by this adoption. If Theophanes adopted Balbus, Balbus became his son; and all Balbus' property, for being 'sui juris' he might have property, became the property of Theophanes. This was the strict legal consequence of Adrogatio, though we may assume that the Romans had some way of eluding the law. Balbus had a Tusculanum, as we have been told, and consequently property of his own. Now when Cicero says that Balbus has got nothing by the Adoptio, it is difficult to see what he means, because he could get nothing by Adoptio while his adoptive father was alive. Theophanes could make him a gift. But here Cicero speaks as if something might have been got by the adoption, and he says he has got nothing except the 'hereditates of his propinqui.' His propinqui were Gaditani, for he was a citizen of Gades by birth, of Rome only by the favour of Pompeius. I do not see how he got such 'hereditates' through or by adoption; and if he did get them, they belonged to Theophanes according to Roman law; for what the son acquired was acquired for the father. I cannot divine what Cicero means.

26. *rodunt*]

"Quem rodunt omnes libertino patre natum."

(Horace, Sat. i. 6, v. 46.)—'in circulis:' 'in common talk,' whenever and wherever people met. The words 'circuli' and 'convivia' go together, as in Livy (34, c. 61); and Cicero (Ad Att. ii. 18): "sermo in circulis duntaxat et in conviviis est liberior quam fuit."

cuius fortunae] He seems to mean, 'When did he not pay due respect to a man's good fortune and merit?' if 'dignitas' means merit, as I hope that it does for Cicero's sake, and not 'rank' or 'high station,' as below. Balbus was a prudent man, who was very respectful to his supe-

tate hominis potentissimi in maximis nostris malis atque discordiis neminem umquam alterius rationis ac partis, non re, non verbo, non vultu denique offendit. Fuit hoc sive meum sive rei publicae fatum, ut in me unum omnis illa inclinatio communium temporum incumbéret. Non modo non exsultavit in ruinis vestris nostrisque discordiis Cornelius, sed omni officio, lacrimis, opera, consolatione omnes me absente meos sublevavit. Quorum ego testimonio ac precibus munus hoc meritum huic, et, ut a principio dixi, justam et debitam gratiam refero, speroque, judices, ut eos, qui principes fuerunt conservandae salutis aut dignitatis meae, diligitis et caros habetis, sic, quae ab hoc pro facultate hujus, pro loco facta sunt, et grata esse vobis et probata. Non igitur a suis, quos nullos habet, sed a suorum, qui et multi et potentes sunt, urgetur inimicis; quos quidem hesterno die Cn. Pompeius copiosa oratione et gravi secum, si vellent, contendere jubebat, ab hoc impari certamine atque injusta contentione avocabat. XXVII. Et erat aequa lex et nobis, judices, atque omnibus qui nostris familiaritatibus implicantur vehementer utilis, ut nostras inimicitias ipsi inter nos geramus, amicis nostrorum inimicorum temperemus. Ac si mea auctoritas satis apud illos in hac re ponderis haberet, quum me praesertim rerum varietate atque usu ipso iam perdoctum viderent, etiam ab illis eos majoribus discordiis avocarem. Et enim contendere de re publica quum id defendas quod esse optimum sentias, et fortium virorum et magnorum hominum semper putavi, neque huic umquam labori, officio, muneri defui. Sed contentio tamdiu sapiens est quamdiu

riors, for which he might have interested motives; but he did not insult any man in his misfortunes, and that is some merit.

hominis potentissimi] C. Caesar, with whom he was very intimate at the time of Cicero's great troubles, when he was driven from Rome (B.C. 58).

illa inclinatio] It is a metaphor from something which falls and covers us with its ruins. The passage cannot be translated, but it may be explained: 'All the weight of the evils which threatened the state fell on Cicero.'—'lacrimis:' a word which seems out of place, though with Cicero tears were always in place. He shed tears himself whenever he chose, and he might expect them from others when the occasion came. Madvig proposes to omit 'lacrimis,' and to write in the preceding line, 'in ruinis nostris lacrimisque.' Some editions have 'in ruinis nostris vestrisque discordiis.'

pro loco] 'Pro suo statu, suaque conditione' (Manutius).

27. *majoribus discordiis*] Pompeius had invited his enemies to try their strength on him and not on others, whom they hoped to oppress (c. 26. at the end). Cicero says that this is a good rule; and he adds, 'we should settle our own quarrels among ourselves, and make the hostility of our enemies light to our friends.' He then says that if they would take his advice, he would draw them away also from those more serious disputes; from those attempts to check what they cannot check; in a word, the power of Caesar and his faction. For this is what he comes to shortly after, when he says that they had resisted Caesar's power in vain, and that he had set the wise example of yielding when resistance was useless; he had even proposed the extraordinary honours which had lately been conferred on Caesar. He was all submission to the great man, who was Balbus' friend and patron, and would not be pleased if they pronounced an unfavourable verdict.

aut proficit aliquid, aut, si non proficit, non obest civitati. Voluimus quaedam, contendimus, experti sumus: obtenta non sunt. Dolorem alii, nos luctum maeroremque suscepimus. Cur ea quae mutare non possumus convellere malumus quam tueri? C. Caesarem senatus et genere supplicationum amplissimo ornavit et numero dierum novo. Idem in angustiis aerarii victorem exercitum stipendio affecit, imperatori decem legatos decrevit, lege Sempronia succedendum non censuit. Harum ego sententiarum et princeps et auctor fui, neque me dissensioni meae pristinae putavi potius assentiri quam praesentibus rei publicae temporibus et concordiae convenire. Non idem aliis videtur. Sunt fortasse in sententia firmiores. Reprehendo neminem, sed assentior non omnibus: neque esse inconstantis puto, sententiam tamquam aliquod navigium atque cursum ex rei publicae tempestate moderari. Sed si qui sunt, quibus infinitum sit odium in quos semel susceptum sit, quos video esse nonnullos, cum ducibus ipsis, non cum comitatu assectatoribusque confligant. Illam enim fortasse pertinaciam nonnulli, virtutem alii putabunt: hanc vero iniquitatem omnes cum aliqua crudelitate conjunctam. Sed si certorum hominum mentes nulla ratione, judices, placare possumus, vestros quidem animos certe

supplicationum] All this matter is explained in the oration De Provinciis Consularibus; and also the matter of the ten legati, and the Lex Sempronia. Here we are told that Caesar's victorious army received pay; but we do not know what this stipendium was, unless it was a sum of money allowed Caesar for the prosecution of the war. In this year B.C. 56 he had conducted a campaign against the Veneti, for which he had to build a fleet, and we cannot conceive that he could have had sufficient means, if he had not received supplies from Rome. His preparations for this naval campaign are briefly told (B. G. iii. 9), but we can easily see that his large fleet cost him an immense sum. He built ships on the Loire, and manned them from the Provincia. Besides his own ships, he had ships from the Santones and Pictones (B. G. iii. 11). Caesar destroyed the Venetian navy: he annihilated the maritime power of the Armoric states, the earliest people on record who had a fleet in the waters of the Atlantic Ocean.

inconstantis] Inconsistency is the common charge against men who meddle with matters political. Cicero had once been Caesar's enemy, or Caesar had been his. Cicero had not approved of Caesar's measures in his consulship, but Caesar was now in the career of victory, had tamed Rome's greatest enemy, and was popular. Cicero accepted the public judgment, and conformed his own conduct to it. He denies that there is any inconsistency in this, and compares the course which a man must follow in affairs political to the management and direction of a ship's course, which must depend on the wind. The apology is ingenious enough; and there is some truth in it. He says the same thing about the ship more at length in the letter to Lentulus (Ad Fam. i. 9, § 21); and something more. This letter to Lentulus was written in B.C. 54, when Cicero's brother Quintus was a legatus of Caesar in Gallia; and it expresses Cicero's complete submission to his great protector: "Apertius autem haec ago ac saepius, quod et Quintus frater meus legatus est Caesaris, et nullum meum minimum dictum, non modo factum, pro Caesare intercessit, quod ille non ita illustri gratia exceperit, ut ego eum mihi devinctum putarem. Itaque ejus omni et gratia, quae summa est, et opibus, quas intelligis esse maximas, sic fruor ut meis. Nec mihi aliter potuisse videor hominum perditorum de me consilia frangere, nisi cum praesidiis iis, quae semper habui, nunc etiam potentium benevolentiam conjunxissem."—'susceptum sit:' C. 'susceptum est,' Halm.

confidimus, non oratione nostra, sed humanitate vestra esse placatos.

XXVIII. Quid enim est cur non potius ad summam laudem huic quam ad minimam fraudem Caesaris familiaritas valere debeat? Cognovit adolescens: placuit homini prudentissimo; in summa amicorum copia cum familiarissimis ejus est adaequatus. In praetura, in consulatu praefectum fabrum detulit; consilium hominis probavit, fidem est complexus: officia observantiamque dilexit. Fuit hic multorum illi laborum socius aliquando: est fortasse nunc nonnullorum particeps commodorum. Quae quidem si huic obfuerint apud vos, non intelligo quod bonum cuiquam sit apud tales viros profuturum. Sed quoniam C. Caesar abest longissime, atque in iis est nunc locis, quae regione orbem terrarum, rebus illius gestis imperium populi Romani definiunt, nolite, per deos immortales, judices, hunc illi acerbum nuntium velle perferri, ut suum praefectum fabrum, ut hominem sibi carissimum et familiarissimum, non ob ipsius aliquod delictum, sed ob suam familiaritatem vestris oppressum sententiis audiat. Miseremini ejus, qui non de suo peccato, sed de hujus summi et clarissimi viri facto, non de aliquo crimine, sed periculo suo de publico jure disceptat; quod jus si Cn. Pompeius ignoravit, si M. Crassus, si Q. Metellus, si Cn. Pompeius pater, si L. Sulla, si P. Crassus, si C. Marius, si senatus, si populus Romanus, si qui de re simili judicarunt, si foederati populi, si socii, si illi antiqui Latini, videte ne utilius vobis et honestius sit illis ducibus errare quam hoc magistro erudiri. Sed si de certo, de perspicuo, de utili, de probato, de judicato vobis jure esse constituendum videtis, nolite committere ut in re tam inveterata quidquam novi sentiatis. Simul et illa, judices, omnia ante oculos vestros

28. *fraudem*] See Pro Cluentio, c. 33, note.

praefectum fabrum] Pantagathus proposed to write 'praefecturam,' and Manutius also preferred 'praefecturam.' 'Praefectum deferre' means to report him to the 'aerarium,' as having been useful as a 'praefectus.' (De Divin. c. 3, Vol. i. and the note; Cic. Ad Fam. v. 20: "Quod scribis de beneficiis, scito a me et tribunos militares et praefectos et contubernales duntaxat meos delatos esse.") See Pro Archia, c. 5.

abest longissime] Caesar was in the Armoric country in the spring and summer of this year B.C. 56, in which he destroyed the navy of the Veneti. Near the end of the summer, or of the season of the campaign, he was in the country of the Morini and the Menapii; in that part of France which stretches along the coast of the English Channel from Boulogne to Calais and Dunkerque (B. G. iii. 28). When we compare Cicero's magniloquence about Caesar, here and in the oration De Provinciis Consularibus, with Caesar's modest Commentarii, we feel the immeasurable superiority of the Roman soldier over the orator.

ejus . . hujus] 'ejus' is Balbus; 'hujus' is Cn. Pompeius.—'M. Crassus:' C. Some editions have L. Crassus.

tam inveterata] 'A thing so well established by time.' Caesar says (B. G. ii. 1): "populi Romani exercitum hiemare atque inveterascere in Gallia moleste ferebant."—'quaestiones:' see Vol. i. Index, Quaestio Perpetua.

proponite: primum, esse omnes etiam post mortem reos clarissimos illos viros qui foederatos civitate donarunt; deinde senatum qui hoc judicavit; populum qui jussit; judices qui approbarunt. Tum etiam illud cogitatote, sic vivere ac vixisse Cornelium, ut, quum omnium peccatorum quaestiones sint, non de vitiorum suorum poena, sed de virtutis praemio in judicium vocetur. Accedat etiam illud, ut statuatis hoc judicio, utrum posthac amicitias clarorum virorum calamitati hominibus an ornamento esse malitis. Postremo illud, judices, fixum in animis vestris tenetote, vos in hac caussa non de maleficio L. Cornelii, sed de beneficio Cn. Pompeii judicaturos.

IN L. CALPURNIUM PISONEM

ORATIO.

INTRODUCTION.

This oration was delivered in the second consulship of Cn. Pompeius Magnus, and in the second consulship of M. Licinius Crassus (B.C. 55), a few days before the exhibition of the Ludi by Pompeius at the dedication of his theatre (c. 27). Fenestella placed this among the orations which Cicero delivered in the consulship of L. Domitius and Appius Claudius (B.C. 54). But Piso returned from his province of Macedonia in the second consulship of Pompeius and Crassus (cc. 35. 40), and Gabinius returned in the consulship of Domitius and Appius. The oration shows that it was delivered before Gabinius' return from his province of Syria. It is also more natural for Piso to have made an attack on Cicero immediately after his return, and to have answered the oration (De Prov. Cons.), which had caused his recall, than to have waited a whole year before doing it. Cicero answered Piso's attack in this oration. (From Asconius.)

L. Calpurnius Piso was the son of L. Calpurnius Piso Caesoninus and his wife Calventia, whose father Cicero calls a Gaul. The son was born in B.C. 101, and was accordingly five years younger than Cicero. Piso was praetor probably in B.C. 61, and the next year he had the administration of some province, the name of which we do not know. In B.C. 59 he was prosecuted by P. Clodius for Repetundae, but he got an acquittal by throwing himself at the feet of the judices, as Valerius Maximus (viii. 1, 6) tells the story. In this same year the consul C. Julius Caesar married Calpurnia, Piso's daughter. Through this alliance and the help of Cn. Pompeius, who married Caesar's daughter Julia in the same year, Piso, with A. Gabinius for his colleague, was elected consul for the year B.C. 58. Caesar's marriage with Piso's daughter shows that Caesar did not think so meanly of the man as Cicero pretends to

do, for this was a marriage of policy, made only the year before Caesar set out to the conquest of Gallia. Caesar mentions his father-in-law Piso in his Commentarii (i. 12), and it is a rare thing for him to go out of his way to mention any body; and he speaks of him and his ancestors in such terms as show that he was not ashamed of him or of them. The adoption of Clodius into a plebeian family and his election to the tribunate (B.C. 59) was also Caesar's work. In B.C. 58, the year of Piso's and Gabinius' consulate, Cicero was obliged to retire into exile. The causes of his disgrace are indicated by himself very clearly, if we only look carefully to what he says. Caesar had resolved not to leave Cicero in Rome when he went into his province (B.C. 58), for he feared that he would join his old enemies, who wished to undo some things which he had done in his consulate; and Cicero's activity and his tongue were more dangerous than the power of any other of Caesar's enemies. Caesar had secured M. Crassus and Cn. Pompeius, but he had not been able to secure Cicero during his consulate, though he had tried. In order to get Cicero away from Rome he offered him the office of legatus in Gallia, which a Roman consularis might have accepted consistently with Roman usage. But Cicero was not a soldier, he did not wish to leave Rome, and he refused Caesar's offer. Caesar accordingly, if he did not employ P. Clodius to drive Cicero away, was glad to see him do it; and he remained at the gates of the city in the spring of B.C. 58 till Cicero had left Rome; and he then went into Gallia. Neither Piso nor Gabinius would give Cicero any help against Clodius; nor yet his great friend Cn. Pompeius, on whom he had lavished all the flattery that his ingenuity could devise or his self-interest suggest (De Imp. Cn. Pompeii). It was a thing settled between Caesar and Pompeius that Cicero should leave Rome for a time at least: they could hardly hope to keep him away always, and perhaps did not wish it.

The tribune Clodius rewarded the two consuls by proposing and carrying a Lex which gave the province of Macedonia to Piso and Syria to Gabinius, with a large outfit.

Piso and Gabinius went to their provinces at the end of B.C. 58 or in the beginning of B.C. 57. Piso's administration lasted to the year B.C. 55. Cicero calls it three years, but it was not three complete years. We know little or nothing of Piso's government except what Cicero tells us; and if he told the truth, Piso was such a villain as even Rome had seldom sent into her provinces. An attempt was made to supersede Piso and Gabinius in B.C. 57, but the intercessio of a tribune prevented it (De Prov. Cons. c. 6). On the fourth of September (B.C. 57) Cicero entered Rome on his return from exile. In B.C. 56 Cicero in his speech on the occasion of naming the consular provinces maintained Caesar's title to hold the two Galliae during the five years for which they had been given to him. Pompeius

had helped to bring about Cicero's recall from exile: Caesar had been consulted about it and had consented, and we may certainly conclude that Cicero had either agreed to support Caesar's interests; or, if he had not in terms made such a bargain, his brother had done it for him, and his obligations to Caesar's son-in-law and others in the matter of his recall made it impossible for him to oppose Caesar and his friends. The speech on the consular provinces is the best proof of Cicero's humiliation and of a change in his policy, but not in his opinions. Cicero tells us in this speech what he did after his return to Rome in September B.C. 57 and the arrival of Caesar's despatches from Gallia. He voted for and probably even proposed the extraordinary 'supplicatio' for the victories of Caesar in the country of the Belgae (De Prov. Cons. c. 11). He was fresh from exile, timid, perhaps grateful to Pompeius and to Caesar, and disposed to keep his promise to be quiet. But in the next year (B.C. 56) he had got more courage. On the fifth of April he made a motion in the senate (De Prov. Cons. c. 19) and carried it, that on the fifteenth of May they should consider Caesar's Campanian Lex in a full senate. "Could I," says he in a letter to Lentulus, "make a more direct attack on the stronghold of that party, or any way else more completely show that I had forgotten my dangers and thought of the times when I was active in the state?" Certainly not. But the Ides of May came and nothing was done about the Campanian land, that measure of Caesar's which Cicero wished most earnestly to undo. In the mean time something happened.

In the spring of B.C. 56 and in the month of April Caesar was at Luca in North Italy, the southern limit of his province, and Pompeius and M. Crassus saw him there. These three men agreed among themselves that Pompeius and Crassus should be elected consuls for the next year; that Caesar's government should be extended five years, and that he should have some money for the Gallic war. Cicero knew this, and he saw that he must submit to the will of Caesar and his allies, or have them for enemies. He tells it all himself: no enemy invented it (Ad Fam. i. 9). Caesar had complained to Pompeius at Luca about Cicero's motion on the Campanian land. Pompeius expostulated with Cicero's brother Quintus, and told him "that if he did not manage his brother Marcus, he must be content to pay what he had become surety for on his behalf." This was a threat plain enough to understand. Cicero not only kept quiet, but he voted for or moved for an allowance to Caesar from the treasury to prosecute the war against the Veneti; and somewhat later, in May or June (B.C. 56), he delivered his speech De Provinciis Consularibus, a flowery piece of rhetoric, too fine to be taken as sincere, even if we knew no more about the occasion of its delivery than the speech tells us. But when we know the true motives of the speaker and his real

opinions, this oration is the evidence of a mean and timid character, for which we might indeed find some apology; but for the loathsome flattery, for the base servility to a man who had done Cicero wrong, which he never forgot or forgave, for such adulation and hypocrisy there is no excuse. Cicero, with the help of his own letters, presents himself to posterity, whose applause was the thing that he called immortality (Ad Fam. v. 12), as a man humiliated, degraded, and self-disgraced.

In this speech, which is a panegyric on Caesar, Cicero while he exalted the son-in-law did not spare the father-in-law. Caesar, who looked sharp after his own interests, was satisfied if he got what he wanted, and he did not resent Cicero's attack on Piso, which was the cause of Piso's recall. But the governor of Macedonia did not remain quiet under the imputations which Cicero had brought against him, and he addressed the senate. Cicero replied (In Pisonem) in this speech, which for foul abuse has seldom been equalled. If Piso was as bad as Cicero says he was, he was not worthy of any answer except a notice of prosecution; and the wonder is that the Senate could listen to such tedious ribaldry. But there was perfect freedom of speech in the Roman Senate: men said just what they liked, and it was the fashion for the rest to listen. Though many of the charges against Piso are vaguely made, we must admit that Piso's character was bad, and that he had misgoverned his province, for if there had not been a reasonable foundation for Cicero's abuse, such a speech would have been his complete ruin. Cicero's character is lowered by what he says against his enemy, by the way in which he says it, and by the unworthy arts which he practised to learn the private life and habits of Piso. There is no dignity in the speech, but plenty of invective, prompted by hatred and revenge, and expressed in terms of coarse abuse and gross exaggeration.

Markland supposed that this oration and the oration Pro P. Sestio were much used by the author of the four spurious orations (Vol. iii. 299). Some references in those four orations and in the notes to the Pro Sestio and those to this oration will direct the reader to a comparison of passages, and will show him that Cicero, even when he is most coarse and abusive, did not write like the impudent knave who set Cicero's name to his own clumsy patchwork.

The first part of this oration is defective, as the beginning shows, and the fragments collected from various writers which are not found in the extant speech. It is edited by Halm in the second edition of Orelli's Cicero. The following are the abbreviations of the MSS. which Halm refers to:—

A = lemmata Q. Asconii Pediani.

T = fragmenta palimpsesti Taurinensis a Peyronio collati.

V = codex tabularii basilicae Vaticanae, cujus fasciculus secundus saec. viii. scriptus partem orationis continet. Codicem post Faernum iterum contulit Garatoni.

E = codex Erfurtensis.

F = codex Frisingensis saec. xv. num. 520, nunc Monacensis.

G = codex Erlangensis saec. xv.

M = codex Monacensis bibliothecae electoralis saec. xv. num. 68.

P = lectiones codicis Pithoeani.

S = codex Salisburgensis aulicus, nunc Monacensis Cod. Lat. n. 15734. Hunc et F G M ipse excussi.

C = E F G M P S sive codd. vulgares, qui quam corrupti sint in hac oratione ex illis ejus partibus quae in T V servatae sunt satis apparet.

M. TULLII CICERONIS

IN

L. CALPURNIUM PISONEM

ORATIO.

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1. Pro di immortales! qui hic illuxit dies! (*Quint.* ix. 4. 76.)

2. Quod minimum specimen in te ingenii? Ingenii autem? immo ingenui hominis ac liberi; qui colore ipso patriam aspernaris, oratione genus, moribus nomen. (*Ascon.*)

3. Hoc non ad contemnendam Placentiam pertinet, unde se is ortum gloriari solet: neque enim hoc mea natura fert, nec municipii praesertim de me optime meriti dignitas patitur. (*Ascon.*)

4. Insuber quidam fuit idem mercator et praeco: is quum Romam cum filia venisset, adolescentem nobilem Caesoninum, hominis furacissimi filium, ausus est appellare: filiam collocavit. (*Ascon.*)

5. Homini levi ac subito filiam collocavit. (*Arus. Messius*, p. 221, *Lind.*)

6. Quae te beluam ex utero, non hominem fudit. (*Serv.* Aen. viii. 139.)

2. *nomen*] "Tametsi haec oratio inscribitur In L. Pisonem, tamen non puto vos ignorare hunc Pisonem ex ea familia esse, quae Frugi appellata sit, et ideo dicit aspernari cum moribus nomen" (Asconius). But Drumann maintains that Asconius is mistaken when he says that this L. Piso Caesoninus, cos. B.C. 58, was named Frugi (Pro Sestio, c. 9, note).

3. *Placentiam*] Asconius cannot understand why Cicero calls Placentia a Municipium, for Placentia was a Colonia, founded on the thirty-first of May in the first year of the Second Punic War (B.C. 218), in the consulship of P. Cornelius Scipio, the father of the elder Africanus, and T. Sempronius Longus. Asconius had forgotten or not understood that by the Lex Julia (B.C. 90), which gave the civitas to part of the Socii and the Latini, Placentia became a Municipium, and the Placentini became Municipes, in the sense which the words Municipium and Municipes then had. Placentia had now the full Roman civitas. Though Placentia was in its origin a Latina colonia, it was now a Municipium, and Cicero calls it by the more honourable name.

Asconius explains the services of Placentia towards Cicero thus: "quod illi quoque honoratissima decreta erga Ciceronem fecerant, certaverantque in ea re cum tota Italia, cum de reditu ejus actum est."

4. *Insuber*] This was Calventius, who gave his daughter in marriage to Piso's father. (Quum Senatui, c. 6, note, Vol. iii.)

7. Hic quum ad om . . . Placentiae forte consedit, et paucis post annis in eam civitatem, nam tum erat civitas, ascendit. Prius enim Gallus, dein Gallicanus, extremo Semiplacentinus haberi . . . coeptus est. (*Ascon.*)

8. Majorem sibi Insuber ille avus adoptavit. (*Arus. Messius,* p. 250, *Lind.*)

9. Lautiorem . . . pater tuus socerum, quam C. Piso . . . in illo luctu . . . non ei filiam meam collocavi, quem ego . . . potestas tum omnium fuisset, unum potissimum delegissem. (*Ascon.*)

10. Quum tibi tota cognatio sarraco advehatur. (*Quinctil.* viii. 3, 21.)

11. Proxime Pompeium sedebam. (*Diomed.* p. 405.)

I. *** Jamne vides, bellua, jamne sentis, quae sit hominum querela frontis tuae? Nemo queritur Syrum nescio quem de grege noviciorum factum esse consulem. Non enim nos color iste servilis, non pilosae genae, non dentes putridi deceperunt: oculi, supercilia, frons, vultus denique totus, qui sermo quidam tacitus mentis est, hic in fraudem homines impulit; hic eos quibus erat ignotus decepit, fefellit, induxit. Pauci ista tua lutulenta vitia noramus; pauci tarditatem ingenii, stuporem debilitatemque linguae. Numquam erat audita vox in foro; numquam periculum factum consilii; nullum non modo illustre, sed ne notum quidem factum aut militiae aut domi. Obrepsisti ad honores errore hominum, commendatione fumosarum imaginum, quarum simile habes nihil praeter colorem. Is mihi etiam gloriabitur se omnes magistratus sine repulsa assecutum? Mihi ista licet de me vera cum gloria praedicare; omnes enim honores populus Romanus mihi ipsi

1. *noviciorum*] 'Novicii' were fresh slaves, newly brought to Rome, such as Syrians and others. The Romans called some slaves Veterani and others Novicii. "Sunt autem veterana quae anno continuo in urbe servierunt; novicia autem mancipia intelliguntur quae anno nondum servierunt." (Marcianus, Dig. 39. 4. 16, § 3.)

color] He says, Piso's skin was dark. He was in colour like many of the slaves who were brought to Rome from the east.—'vultus . . . induxit:' these words are quoted by Gellius (xiii. 24) from the oration of Cicero In Pisonem.

fumosarum imaginum] The Imagines were placed in the Atrium, as we learn from Seneca (De Benef. iii. 28), and Juvenal (quoted by Abrami); and as a fire was sometimes made in the Atrium, the Imagines were called smoky.

"Fumosos equitum cum dictatore magistros." (Juvenal, S. viii. 7.)

gloriabitur] 'gloriabatur' C. 'gloriatur' Halm. As to 'Is mihi,' see note on 'Tu mihi,' Index, Vol. ii.—'mihi ipsi:' Halm thinks that 'homini' is a gloss; and so it seems to be. If it is right, he means 'conferred on me, on the man,' not the name. Cicero says, what he has said before on several occasions, that the Romans conferred all the honours on him for his merit. Piso got them, because he was of a noble family. There are several passages in which Cicero compares the easy road to the high offices of the state for the nobiles, with the difficulties which stood in the way of a man like himself. There is one passage in the Verrine Orations (ii. 5, c. 70).

[homini] detulit. Nam tu quum quaestor es factus, etiam qui te numquam viderant, tamen illum honorem nomini mandabant tuo. Aedilis es factus. Piso est a populo Romano factus, non iste Piso. Praetura item majoribus delata est tuis. Noti erant illi mortui: te vivum nondum noverat quisquam. Me quum quaestorem in primis, aedilem priorem, praetorem primum cunctis suffragiis populus Romanus faciebat, homini ille honorem, non generi, moribus, non majoribus meis, virtuti perspectae, non auditae nobilitati deferebat. Nam quid ego de consulatu loquar? parto vis anne gesto? Miserum me! cum hac me nunc peste atque labe confero! Sed nihil comparandi caussa loquar: ac tamen ea quae sunt longissime disjuncta comprehendam. Tu consul es renuntiatus—nihil dicam gravius quam quod omnes fatentur—impeditis rei publicae temporibus, dissidentibus consulibus [Caesare et Bibulo], quum hoc non recusares iis, a quibus dicebare consul, quin te luce dignum non putarent, nisi nequior quam Gabinius exstitisses. Me cuncta Italia, me omnes ordines, me universa civitas non prius tabella quam voce priorem consulem declaravit. II. Sed omitto ut sit factus uterque nostrum. Sit sane Fors domina campi. Magnificentius est dicere, quemadmodum gesserimus consulatum, quam quemadmodum ceperimus.

Ego Kalendis Januariis senatum et bonos omnes legis agrariae maximarumque largitionum metu liberavi. Ego agrum Campanum, si dividi non oportuit, conservavi: si oportuit, melioribus auctoribus reservavi. Ego in C. Rabirio, perduellionis reo, XL annis ante me consulem interpositam senatus auctoritatem sustinui contra invidiam atque defendi. Ego adolescentes bonos et fortes, sed usos

aedilem priorem] He says 'prior' because there were two 'aediles curules.' Cicero's colleague was M. Caesonius.—'praetorem primum:' see De Imp. Cn. Pompeii, c. 1, Vol. ii.

Caesare et Bibulo] "Hoc delendum est ut glossema" (Manutius). When Cicero says 'nihil dicam gravius,' he means that he will say nothing which can offend his great friends C. Caesar and Cn. Pompeius, who had helped to make Piso and Gabinius consuls (Plutarch, Cato, c. 33).

2. *consulatum*] Halm remarks that Vopiscus in his life of the Emperor Tacitus (c. 13) alludes to these words. Vopiscus does refer to 'Tullius,' but he has misunderstood or perverted the words; or we must read in Vopiscus 'gesserit' for 'ceperit,' as Abrami suggests. Vopiscus says: "Quum Tullius dicat, magnificentius esse dicere quemadmodum ceperit consulatum: at in isto viro magnificum fuit, quod tanta gloria cepit imperium."

Kal. Jan.] He alludes to his opposition to the Lex Agraria of Rullus (Vol. ii.). He saved the land from Rullus' lex, and it was afterwards divided under a lex of C. Caesar (melioribus auctoribus reservavi).

C. Rabirio] The speech for C. Rabirius is in the second volume. When he says 'forty years,' he speaks in round numbers, as he often does. It was about thirty-six years.—'interpositam:' see Pro Caelio, c. 31, and the note.

adolescentes bonos] The sons of those who had been proscribed by Sulla. A lex of Sulla had deprived them of the capacity of obtaining the 'honores.' This was one of the most flagrant examples of Sulla's tyranny, on which Seneca (De Ira ii. 34)

ea conditione fortunae, ut, si essent magistratus adepti, rei publicae statum convulsuri viderentur, meis inimicitiis, nulla senatus mala gratia, comitiorum ratione privavi. Ego Antonium collegam, cupidum provinciae, multa in re publica molientem, patientia atque obsequio meo mitigavi. Ego provinciam Galliam, senatus auctoritate exercitu et pecunia instructam et ornatam, quam cum Antonio communicavi, quod ita existimabam tempora rei publicae ferre, in contione deposui reclamante populo Romano. Ego L. Catilinam caedem senatus, interitum urbis non obscure, sed palam molientem, egredi ex urbe jussi, ut, a quo legibus non poteramus, moenibus tuti esse possemus. Ego tela extremo mense consulatus mei intenta jugulis civitatis de conjuratorum nefariis manibus extorsi. Ego faces jam accensas ad hujus urbis incendium comprehendi, protuli, exstinxi. III. Me Q. Catulus, princeps hujus ordinis et auctor publici consilii, frequentissimo senatu parentem patriae nominavit. Mihi hic vir clarissimus, qui propter te sedet, L. Gellius, his audientibus civicam coronam deberi a re publica dixit. Mihi togato senatus, non ut multis bene gesta, sed ut nemini conservata re publica singulari genere supplicationis deorum immortalium templa patefecit. Ego quum in contione abiens magistratu dicere a tribuno plebis prohiberer quae consti-

has a remark. Cicero in his consulship made a speech 'De Proscriptorum liberis' in which he maintained the Lex Cornelia (the Lex of Sulla). "Quid enim crudelius quam homines honestis parentibus ac majoribus natos a re publica submoveri? Itaque durum id esse summus ille tractandorum animorum artifex confitetur: sed ita legibus Sullae cohaerere statum civitatis affirmat, ut his solutis stare ipsa non possit" (Quintil. Inst. xi. 1, 85). Dion Cassius (37, c. 25) alludes to the attempt to repeal Sulla's lex. See also Velleius ii. 28. Plutarch, Sulla, c. 31.

Antonium] See the oration Pro Caelio, and the note on c. 31.—'provinciam Galliam:' the consular provinces assigned to the consuls in the year B.C. 64 were Macedonia and Gallia Cisalpina. Dion Cassius (37, c. 33) says that Cicero had got Macedonia for his province, and that he gave it up to Antonius, and took Gallia Cisalpina, which he afterwards declined also. Plutarch speaks in an ambiguous way, as if Cicero yielded to Antonius' wishes at once and let him take Macedonia. Freigius quoted by Abrami thought that we should read 'commutavi' in place of 'communicavi.' Lambinus thought the same, and Hotmann maintained 'commutavi,' which Halm has printed.

Ego L. Catilinam] All this he has told in the orationes In Catilinam, Vol. iii. In the month of December some of the conspirators were executed at Rome.

3. *Q. Catulus*] Plutarch (Cicero, c. 23) says that Cato gave Cicero the title of 'parens patriae' in a speech to the people, and that upon this the people "called him the father of his country." (Juvenal, viii. 244.)

civicam coronam] A crown of oak-leaves for saving the life of a citizen in battle and killing an enemy at the same time. (De Prov. Cons. c. 9, note on Lepidus.)

"—— Summi tunc munera pili
Laelius, emeritique gerens insignia doni,
Servati civis referentem praemia quercum." (Lucan. i. 356.)

Gellius (v. 6) may have had this passage of Cicero before him, when he wrote "hac corona civica L. Gellius, vir censorius, in senatu Ciceronem consulem donari a re publica censuit."—'patefecit:' compare De Prov. Cons. c. 6, "aperiri sua templa."

tribuno plebis] The tribune was Q. Metellus Nepos. (Cicero, Ad Fam. v. 2.) Nepos would not allow Cicero on retiring from the consulship to make a speech to

tueram, quumque is mihi tantummodo ut jurarem permitteret, sine ulla dubitatione juravi, rem publicam atque hanc urbem mea unius opera esse salvam. Mihi populus Romanus universus illa in contione non unius diei gratulationem, sed aeternitatem immortalitatemque donavit, quum meum jusjurandum tale atque tantum juratus ipse una voce et consensu approbavit. Quo quidem tempore is meus domum fuit e foro reditus, ut nemo nisi qui mecum esset civium esse in numero videretur. Atque ita est a me consulatus peractus, ut nihil sine consilio senatus, nihil non approbante populo Romano egerim; ut semper in rostris curiam, in senatu populum defenderim; ut multitudinem cum principibus, equestrem ordinem cum senatu conjunxerim. Exposui breviter consulatum meum.

IV. Aude nunc, o furia, de tuo dicere, cujus fuit initium ludi Compitalicii, tum primum facti post L. Julium et C. Marcium consules, contra auctoritatem hujus ordinis: quos Q. Metellus—facio injuriam fortissimo viro mortuo, qui illum, cujus paucos pares haec civitas tulit, cum hac importuna bellua conferam—sed ille designatus consul, quum quidam tribunus pl. suo auxilio magistros ludos contra senatusconsultum facere jussisset, privatus fieri vetuit, atque id, quod nondum potestate poterat, obtinuit auctoritate. Tu, quum in Kalendas Januarias Compitaliorum dies incidisset, Sex. Clodium, qui numquam antea praetextatus fuisset, ludos facere et praetextatum volitare passus es, hominem impurum, atque non modo facie, sed etiam oculo tuo dignissimum. Ergo his

the people about what he had done in the year of his office.

4. *ludi Compitalicii*] These were the ludi which were celebrated annually at the Compita. These ludi were superintended by the Magistri collegiorum Compitaliciorum, and they wore the 'praetexta,' the dress of all Roman magistratus. ("Purpura viri utemur, praetextati in magistratibus, in sacerdotiis: liberi nostri praetextis purpura togis utentur; magistratibus in coloniis municipiisque, [hic Romae infimo generi magistris vicorum,] togae praetextae habendae jus permittemus." Livy, 34, c. 7.) The collegia were dispersed by a SC. (L. Julio C. Marcio Coss.), and restored by Clodius in B.C. 58 (Asconius, in Pison.). At the celebration of these ludi slaves were employed; and the danger from great numbers of slaves being collected was one of the reasons which moved the senate to put an end to these collegia. Cicero says that there had been no ludi from the consulship of L. Julius and C. Marcius (B.C. 64). Asconius indeed says that the collegia were restored nine years after their dissolution, and Manutius proposes to write in the note of Ascon. in Pison. and in this chapter, 'L. Metellum, and Q. Marcium' (Coss. B.C. 68). But there is a note of Asconius in Cornel., in which he says that the collegia were abolished by a SC. and several leges after B.C. 65; and the time of the abolition may be B.C. 64.

Q. Metellus] Celer, consul designatus in B.C. 61, prevented the celebration of the ludi, though he had yet no power to prevent; but his character and influence (auctoritas) were sufficient. The 'magistros' are the 'magistri ludorum.'

incidisset] The Compitalicii were a moveable festival, 'feriae conceptivae.' The praetor fixed the time for them, and it was after the Saturnalia.

oculo tuo] A personal allusion to Vatinius, who had some defect in an eye.—'a

fundamentis positis consulatus tui, triduo post inspectante et tacente te a fatali portento prodigioque rei publicae lex Aelia et Fufia eversa est, propugnacula murique tranquillitatis atque otii; collegia, non ea solum quae senatus sustulerat, restituta, sed innumerabilia quaedam nova ex omni faece urbis ac servitio concitata. Ab eodem homine, in stupris inauditis nefariisque versato, vetus illa magistra pudoris et modestiae censura sublata est; quum tu interim, bustum rei publicae, qui te consulem tum Romae dicis fuisse, verbo numquam significaris sententiam tuam tantis in naufragiis civitatis. V. Nondum quae feceris, sed quae fieri passus sis dico. Neque vero multum interest, praesertim in consule, utrum ipse perniciosis legibus, improbis contionibus rem publicam vexet an alios vexare patiatur. An potest ulla esse excusatio, non dicam male sentienti, sed sedenti, cunctanti, dormienti in maximo rei publicae motu consuli? Centum prope annos legem Aeliam et Fufiam tenueramus, quadringentos judicium notionemque censoriam, quas leges ausus est non nemo improbus, potuit quidem nemo convellere; quam potestatem minuere, quo minus de moribus nostris quinto quoque anno judicaretur, nemo tam effuse petulans conatus est. Haec sunt, o carnifex, in gremio sepulta consulatus tui. Persequere connexos his funeribus dies. Pro Aurelio tribunali, ne connivente quidem te, quod ipsum esset scelus, sed etiam hilarioribus oculis quam solitus eras intuente, dilectus servorum habebatur ab eo, qui nihil sibi umquam nec facere nec pati turpe duxit. Arma in templo Castoris, o proditor templorum

'fatali portento:' P. Clodius. Some ditions have 'a P. Clodio fatali' &c. As to the Lex Aelia and Fufia, see the Index to Vol. iii.

Cicero describes these new 'collegia' as composed of all the dregs and slaves of the city. One motive for preventing large assemblages of such people is the same that exists now for putting down some fairs and merry-makings. These things which have had some respectable origin get corrupted in the course of time. There was also the danger at Rome from the slaves. The police of a slave country must be strict, or there will be insurrection.

censura] Cicero here enumerates three of the measures of Clodius. The censorial power was not taken away; Cicero is speaking 'oratorie.' It was limited; and part at least of the limitation fixed by Clodius' lex seems to be reasonable. He omits to mention the gratuitous distribution of corn to the people. See Pro Sestio, c. 25, note, Vol. iii.

bustum rei publicae] See De Domo, c. 52, the note, Vol. iii.

5. *Centum prope annos*] See Index to Vol. iii. Lex Aelia, Fufia.—'notionem:' Lambinus preferred 'notationem.' He says that all the MSS. and all the editions that he had seen have 'notionem.' C. has 'rationem.' The Romans used both 'notio' and 'notatio' in this sense (Pro Sestio, c. 25, note).—'quinto quoque anno:' the time for the election of the Censors.

connexos] 'continentes' A., Halm. "He says 'his funeribus' appropriately, having just said 'sepulta'" (Manutius).—'Aurelio tribunali:' see the Index to Vol. iii., and also the same Index as to the 'templum Castoris.' Cicero is here speaking of the violent acts of P. Clodius in his tribunate. Clodius is charged with enrolling slaves to help him to carry his leges by force.

omnium, vidente te constituebantur ab eo latrone, cui templum illud fuit te consule arx civium perditorum, receptaculum veterum Catilinae militum, castellum forensis latrocinii, bustum legum omnium ac religionum. Erat non solum domus mea, sed totum Palatium senatu, equitibus Romanis, civitate omni, Italia cuncta refertum, quum tu non modo ad eum [Ciceronem]—mitto enim domestica quae negari possunt; haec commemoro quae sunt palam —non modo, inquam, ad eum, cui primam comitiis tuis dederas tabulam praerogativae, quem in senatu sententiam rogabas tertium, numquam aspirasti, sed omnibus consiliis, quae ad me opprimendum parabantur, non interfuisti solum, verum etiam crudelissime praefuisti.

VI. Mihi vero ipsi coram genero meo, propinquo tuo, quae dicere ausus es? Egere, foris esse Gabinium; sine provincia stare non posse; spem habere a tribuno plebis, si sua consilia cum illo conjunxisset; a senatu quidem desperasse: hujus te cupiditati obsequi, sicuti ego fecissem in collega meo; nihil esse quod praesidium consulum implorarem; sibi quemque consulere oportere. Atque haec dicere vix audeo: vereor ne qui sit qui istius insignem nequitiam frontis involutam integumentis nondum cernat; dicam tamen: ipse certe agnoscet, et cum aliquo dolore flagi

[*Ciceronem*]] C. But it is better to omit 'Ciceronem,' as Halm has done.

ad eum . . . numquam aspirasti] "Numquam accedere conatus, ut amico iniquissime vexato opem ferres" (Manutius).

tabulam praerogativae] At Piso's election for consul, as Manutius supposes, and this seems to be the meaning, though Abrami says that Piso could not do this at his own election. The 'praerogativae' is the 'centuria praerogativa.' It was determined by lot which 'centuria' should vote first (Cicero, Phil. ii. 33; Pro Plancio, c. 20). Piso had given to Cicero the first 'tabella;' and Cicero voted first. When Piso was consul, he called on Cicero to speak in the third place, which was a mark of honour.

6. *genero meo*] C. Piso, then the husband of Cicero's daughter Tullia.—'foris esse:' Manutius thought that these words were corrupt, and also 'egere.' Cicero (Ad Att. iv. 16, 11) has the same expression about Gabinius, but it is doubtful what he means. Lambinus explains 'foris esse' to mean that Gabinius had no money. Madvig says that 'foris esse' would be said ridiculously of a man in debt. He also says that two verbs are not appropriate in this first member of the sentence. But they are appropriate, if 'foris esse' is another way of expressing the meaning of 'egere.' He also affirms that Cicero wrote 'egere sordidissime Gabinium, spem habere a tr. pl. si sua consilia cum illo conjunxisset; a senatu,' &c. Halm (Addenda et Corrigenda) says there is no doubt about the propriety of restoring the superlative, but he will not decide whether Cicero wrote 'sordidissime' or 'turpissime;' yet he thinks 'sordidissime' comes nearer to the MSS. reading.

sua . . . conjunxisset] Halm, and also Madvig. The MSS. have 'conjunxeris.'—'a senatu . . . desperasse:' the senate named the Consulares Provinciae, and before the election of the consuls who were to have them (De Prov. Cons.). This talk took place after the election, as appears from what follows; and before the Consulares Provinciae were determined. We must suppose then that the Provinciae Consulares had not been determined in the way in which they ought to have been.

in collega meo] C. Antonius. See c. 2.—'involutam integumentis:' see De Prov. Cons. c. 4, "fronte et supercilio."

tiorum suorum recordabitur. Meministine, coenum, quum ad te quinta fere hora cum C. Pisone venissem, nescio quo e gurgustio te prodire involuto capite soleatum? et quum isto ore foetido taeterrimam nobis popinam inhalasses, excusatione te uti valetudinis, quod diceres vinolentis te quibusdam medicaminibus solere curari? quam nos caussam quum accepissemus,—quid enim facere poteramus?—paullisper stetimus in illo ganearum tuarum nidore atque fumo; unde tu nos quum improbissime respondendo, tum turpissime eructando ejecisti. Idem illo fere biduo productus in contionem ab eo, cui sic aequatum praebebas consulatum tuum, quum esses interrogatus quid sentires de consulatu meo, gravis auctor, Calatinus credo aliquis, aut Africanus aut Maximus, et non Caesoninus Semiplacentinus Calventius, respondes, altero ad frontem sublato, altero ad mentum depresso supercilio, crudelitatem tibi non placere. VII. Hic te ille homo, dignissimus tuis laudibus, collaudavit. Crudelitatis tu, furcifer, senatum consul in contione condemnas? non enim me, qui senatui parui; nam relatio illa salutaris et diligens fuerat consulis, animadversio quidem et judicium senatus. Quae quum reprehendis, ostendis qualis tu, si ita forte accidisset, fueris illo tempore consul futurus. Stipendio, mehercule, et frumento Catilinam esse putasses juvandum. Quid enim

gurgustium] Some small house. The man had his slippers on (soleatus), and was half drunk early in the day. "Stetit soleatus praetor populi Romani." (Verr. ii. 5, c. 33.) Piso had wrapped his head up that he might not be known, when he was visiting a 'popina,' or eating place and drinking place.

"Quaecunque immundis fervent allata popinis."
(Horace, Sat. ii. 4, v. 62, and Macleane's note.)

vinolentis] He had gone in to get a drink of something. Abrami, who collects curious things, has cited a passage from Pliny (xxii. 24), who tells us that Pollio Romilius, who was then above a hundred years old, healthy and strong, was asked by Augustus how he had lived, and his answer was, "Intus mulso, foris oleo." He kept his inside moist with 'mulsum,' wine mixed with honey, and rubbed his skin with oil. Harduin (note on Pliny) says that Pollio followed the advice of Democritus, as we have it recorded by Diophanes (Geopon. xv. c. 7, and Athenaeus, ii. p. 46). Abrami knew a man who had reached the same age by observing two rules, one was to take no medicine, and the other to drink pure wine. The first rule is undoubtedly good for those who can do without physic; and the second rule too is excellent. If a man will drink wine, let it be good. Louis Cornaro in his old age, and he reached near a hundred, made wine a chief part of his food. Ninon de l'Enclos is said to have drunk only water; but she died somewhat short of ninety. Zaleucus, who legislated for the Locri Epizephyrii must have made a great mistake, when he punished a man with death who drank unmixed wine without a physician's prescription (Athenaeus, x. 429). Perhaps drunkenness had become common, and Zaleucus anticipated the Maine liquor law.

illo fere biduo] In the two next days.—'sic aequatum:' these words are unintelligible.—'Calatinus:' Atilius Calatinus. See Vol. iii. Index.—'Semiplacentinus:' his grandfather Calventius, his mother's father, was a Gaul of Placentia. So Piso was Semiplacentinus. The other half was Roman, but only half.—'crudelitatem:' he said that he did not approve of Cicero's executing the five conspirators. But the senate ordered the execution, and Cicero was only the executioner.

interfuit inter Catilinam et eum, cui tu senatus auctoritatem, salutem civitatis, totam rem publicam provinciae praemio vendidisti? Quae enim L. Catilinam conantem consul prohibui, ea P. Clodium facientem consules adjuverunt. Voluit ille senatum interficere, vos sustulistis; leges incendere, vos abrogastis; vi terrere patriam, vos adjuvistis. Quid est vobis consulibus gestum sine armis? Incendere illa conjuratorum manus voluit urbem: vos ejus domum, quem propter urbs incensa non est. Ac ne illi quidem, si habuissent vestri similem consulem, de urbis incendio cogitassent. Non enim

7. *vi terrere*] 'interimere,' the Juntine and Halm. The MSS. have 'interire,' except G., which has 'vi terrere.' If 'interimere' is accepted, there is no difficulty in 'adjuvistis,' which Schütz proposed to alter to 'afflixistis.'

Madvig says that Piso and Gabinius united with Clodius are compared with Catilina. He also says, that as we have 'adjuvistis,' we require an active verb in the place where 'interire' stands; that 'interimere patriam' is not a usual metaphor, and after 'interficere senatum,' which is to be taken literally, it is absurd. Next, 'vos adjuvistis' is very bad. Whom did they help? Clodius, we must suppose. But first of all, it is not the crimes of Clodius only, but those of Piso and Gabinius which are mentioned. Again, Clodius cannot be meant; for 'ille' is Catilina. "'Ille (Catilina) voluit patriam interire; vos adjuvistis,' si recta esset oratio, patriam adjuvisse intelligerentur; ut nunc caetera sunt, necessario Catilinam adjuvisse putandi sunt, quod ineptissimum est. Omnino non *adjuvisse* aliquem illi dici debent, sed aliquid ipsi fecisse, quod tantumdem sceleris contineat et ejusdem generis sit atque id quod Catilina fecerit." He further asks what is the meaning of the vehement interrogatio, 'Quid est . . . sine armis?' or how is it connected with what precedes and follows? for after this Cicero continues the comparison, with this change only, that he mentions all the conspirators (illa conjuratorum manus) instead of Catilina. Accordingly Madvig writes 'vi terrere patriam: quid est vobis consulibus gestum sine armis?' making Cicero use an interrogation in the second member instead of an affirmation, like 'vos abrogastis.' Somebody thinking that the form of the sentence should be consistent all through, put in 'vos adjuvistis.' (Madvig, cited by Halm, Addenda et Corrigenda.)

The argument against 'interimere' may be allowed; and 'vi terrere' may be perhaps safely taken instead of 'interire.' The rest is ingenious; but it does not convince me. Cicero asks what was the difference between Catilina and Clodius. There was none. "The consuls helped Clodius when he was doing the things which I prevented Catilina from doing." But Cicero could not say that Clodius did what Cicero prevented Catilina from doing. Such an assertion would be ridiculous, and he could only make it *oratorie*, and even then he must say something in explanation. Let us suppose that 'ille' is Clodius. It is true that he did not intend to massacre the senate, as far as I know; nor did Piso and Gabinius massacre it, or destroy it, or whatever 'sustulistis' may mean. 'Leges incendere' applies to Clodius; and 'vos abrogastis' to Piso and Gabinius. (Pro Sestio, c. 15; In Pison. c. 5, 'bustum legum.') 'Vi terrere patriam' is not applicable to Catilina, if we look to the technical sense of 'vis;' a difficulty which Madvig felt, for he says, "vis et arma eodem genere continentur, eadem sunt:" sometimes, not always, nor here. Clodius created terror by acts of 'vis,' and the consuls helped him. 'Quid est gestum sine armis?' is a very proper conclusion after 'vi terrere . . . adjuvistis.' Cicero had said, that if Piso and Gabinius had been consuls when he was, they would have aided Catilina with money and provisions. They did help Clodius (consules adjuverunt). How did they help him? They did some things which he wished to do. That is not exactly helping; but when by his turbulence he alarmed the Patria, then they did help him ('vos adjuvistis. Quid est,' &c.). There is not much weight in the argument founded on 'illa conjuratorum manus,' Catilina's band. Cicero says they wished to burn Rome; 'you burnt my house.' The introduction of 'illa conjuratorum manus' may be viewed as evidence that 'ille' is not Catilina.—'his stantibus:' he means the Patres; he says shortly after, 'me stante et manente' (Hotmann).

se tectis privare voluerunt, sed his stantibus nullum domicilium sceleri suo fore putaverunt. Caedem illi civium, vos servitutem expetistis. Hic vos etiam crudeliores. Huic enim populo ita fuerat ante vos consules libertas insita, ut emori potius quam servire praestaret. Illud vero geminum consiliis Catilinae et Lentuli, quod me domo mea expulistis, Cn. Pompeium domum suam compulistis. Neque enim me stante et manente in urbis vigilia, neque resistente Cn. Pompeio, omnium gentium victore, umquam se illi rem publicam delere posse duxerunt. A me quidem etiam poenas expetistis, quibus conjuratorum manes mortuorum expiaretis: omne odium inclusum nefariis sensibus impiorum in me profudistis. Quorum ego furori nisi cessissem, in Catilinae busto vobis ducibus mactatus essem. Quod autem majus indicium exspectatis nihil inter vos et Catilinam interfuisse, quam quod eandem illam manum ex intermortuis Catilinae reliquiis concitastis, quod omnes undique perditos collegistis, quod in me carcerem effudistis, quod conjuratos armastis, quod eorum ferro ac furori meum corpus atque omnium bonorum vitam objicere voluistis? VIII. Sed jam redeo ad praeclaram illam contionem tuam. Tu es ille cui crudelitas displicet? qui, quum senatus luctum ac dolorem suum vestis mutatione declarandum censuisset, quum videres maerere rem publicam amplissimi ordinis luctu, o noster misericors! quid facis? Quod nulla in barbaria quisquam tyrannus. Omitto enim illud, consulem edicere ut senatusconsulto ne obtemperetur, quo foedius nec fieri nec cogitari quidquam potest: ad misericordiam redeo ejus, cui nimis videtur senatus in conservanda patria fuisse crudelis. Edicere est ausus cum illo suo pari, quem tamen omnibus vitiis superare cupiebat, ut senatus contra quam ipse censuisset ad vestitum rediret. Quis hoc fecit ulla in Scythia tyrannus, ut eos quos luctu afficeret lugere non sineret? Maerorem relinquis: maeroris aufers insignia.

emori] C. 'ei mori,' Halm.—'geminum:' 'simillimum' (Manutius).—'Cn. Pompeium:' there is a great deal in the spurious orations about Cn. Pompeius being shut up in his house. See Vol. iii. Index, Pompeius.—'mortuorum:' Abrami thinks that this word is a glossema; and Manutius is of the same opinion. Halm has '[mortuorum].'

in Catilinae busto] Manutius says, the place where Catilina was killed. But compare the passage in the oration Pro Flacco, c. 38, and the note, Vol. iii. However, we cannot be quite certain what Cicero means. He is speaking 'oratorie,' without any regard to strict truth.—'carcerem:' they let men out of the prisons, and perhaps slaves out of the 'ergastula,' as he says.

8. *qui, quum*] 'qui quum' ed. Veneta, 1472, 'cui quum' C. (Halm.) The senate had made a consultum that the dress of mourning should be put on, when Cicero was threatened with danger.—'barbaria:' Vol. iii. Index.

contra quam] See Verr. ii. 4, c. 6, note on 'contra ac.'—'ad vestitum rediret:' to resume the ordinary dress.—'his non:' S. has 'iis;' but Halm remarks that Cicero is speaking in the senate, and he means the senators, those whom he is addressing.

Eripis lacrimas, non consolando, sed minando. Quod si vestem non publico consilio patres conscripti, sed privato officio aut misericordia mutavissent, tamen id his non licere per interdicta crudelitatis tuae potestatis erat non ferendae: quum vero id senatus frequens censuisset, et omnes ordines reliqui jam ante fecissent, tu ex tenebricosa popina consul extractus cum illa saltatrice tonsa senatum populi Romani occasum atque interitum rei publicae lugere vetuisti.

IX. At quaerebat etiam paullo ante de me, quid suo mihi opus fuisset auxilio, cur non meis inimicis meis copiis restitissem. Quasi vero non modo ego, qui multis saepe auxilio fuerim, sed quisquam tam inops fuerit umquam, qui isto non modo propugnatore tutiorem se, sed advocato aut adstipulatore paratiorem fore putaret. Ego istius pecudis ac putidae carnis consilio scilicet aut praesidio niti volebam? ab hoc ejecto cadavere quidquam mihi aut opis, aut ornamenti expetebam? Consulem ego tum require-

saltatrice tonsa] This is Gabinius. There are some remarks elsewhere about dancing (Vol. iii. Index, Dancing). The meaning of 'saltatrix' may easily be conjectured. It contains one of Cicero's foul insinuations. But why is Gabinius called 'tonsa,' when he is described in another place as "unguentis affluens, calamistrata coma" (Pro Sestio, c. 8, and the note), and in this oration (c. 11), "erant illi compti capilli, et madentes cincinnorum fimbriae?" Abrami suggests 'intonsa' as one solution of the difficulty. But if Gabinius made himself like a woman, he must shave his beard. Do we expect to find Cicero consistent in his abuse? He ridiculed the man's curled hair, well smeared with oil, when that suited the occasion. When he wishes to make a woman of him, he must give him the appearance of a woman, and shave his beard.

9. *At quaerebat*] 'Atque quaerebat,' Halm.—'fuerim:' 'T. fuissem codd. rell.' (Halm.)—'adstipulatore:' 'stipulatore,' S. Halm refers to Lachmann's note on Gaius (iii. 110). Lachmann refers to Festus (sub voce, Reus stipulando); to Cicero, Pro Quintio, c. 18 (and the note, where the passage of Gaius, iii. 110, is quoted); and to this passage in the Piso. 'Adstipulator' is the proper word here.

putidae carnis] He calls him 'pecus.' The Declamator, who took the pains to write some orations in Cicero's name, calls Clodius 'pecus et bellua.' The French had the word 'pécore' once in use in a disparaging sense (La Fontaine, Fables, i. 3), a stupid fellow.

Lambinus approved of the conjecture of P. Faber Tolosanus, who would write 'canis' for 'carnis.' But the Tolosanus missed the mark. The abuse is as coarse as it can be; but after Cicero has called him 'rotten flesh,' he appropriately adds 'ejectum cadaver.' He was first rotten; and then he is a dead carcase, cast out to be buried like an ass. Hotmann thinks that 'ejectum cadaver' is a body cast up by the waves. Other critics saw the meaning, and Horace (Sat. i. 8, v. 8) can explain it:

"Huc prius angustis ejecta cadavera cellis
Conservus vili portanda locabat in arca."

requirebam] C. 'quaerebam' T., Halm. "*Requirere consulem* est eum quaerere qui antea fuerit quemque propterea sibi deberi quis putet; sed talem nondum in Pisone invenerat Cicero. *Quaerebam consulem*, i. e. opus mihi erat consule. Cf. Verr. iii. 62 (ii. 3. 62)" (Bake, quoted by Halm). But Cicero might reasonably expect to find that a consul was a consul. He did expect it, and did not find it. The passage in the Verrine orations is this: "non quaero judices Cassianos; veterem judiciorum severitatem non requiro." Either word might do here; but 'requirebam' seems the appropriate word. Halm adds that 'quaerebam' is confirmed by a passage in Isidorus (Origg. ii. 30, 4), who quotes this passage thus: "Consulem, inquam, quaerebam (sic

bam, consulem, inquam, non illum quidem, quem in hoc majali invenire non possem, qui tantam rei publicae caussam gravitate et consilio suo tueretur, sed qui, tamquam truncus atque stipes, si stetisset modo, posset sustinere tamen titulum consulatus. Quum enim esset omnis caussa illa mea consularis et senatoria, auxilio mihi opus fuerat et consulis et senatus; quorum alterum etiam ad perniciem meam erat a vobis consulibus conversum, alterum rei publicae penitus ereptum. Ac tamen, si consilium exquiris meum, neque ego cessissem, et me ipsa suo complexu patria tenuisset, si mihi cum illo bustuario gladiatore et tecum et cum collega tuo decertandum fuisset. Alia enim caussa praestantissimi viri Q. Metelli fuit, quem ego civem meo judicio cum deorum immortalium laude conjungo; qui C. illi Mario, fortissimo viro et consuli et sextum consuli, et ejus invictis legionibus, ne armis confligeret cedendum esse duxit. Quod mihi igitur certamen esset hujusmodi? cum C. Mario scilicet aut cum aliquo pari, an cum altero, barbaro Epicureo, cum altero, Catilinae lanternario consule? Neque hercule ego supercilium tuum neque collegae tui cymbala

3 codd. Monac. vetustissimi; *quaerebam inquit* ed. Otton), quem in isto majali invenire non poteram."

majali] T. and Isidorus; the other MSS. have 'animali.' A 'majalis' is a 'porcus castratus,' says Lambinus; according to Isidorus "porcus pinguis qui Deae Maiae mactabatur tamquam matri Mercurii."

bustuario] 'bustorio' E. A 'bustuarius gladiator' is a gladiator who fights at the celebration of a funeral solemnity. It was an old practice to kill captives on a funeral pile. Achilles killed twelve captives on the pile of Patroclus. Servius says (ad Aeneid. x. 519: 'Viventes rapit, inferias quos immolet umbris') "Sane mos erat in sepulcris virorum fortium captivos necari; quod postquam crudele visum est, placuit gladiatores ante sepulcra dimicare, qui a bustis bustuarii appellati sunt." D. Junius Brutus was the first Roman who had gladiator fights in honour of his deceased father (Livy, Epit. 16). Lipsius (Saturn. i. c. 8) has a chapter on these matters. It remains to see, if we can, why Clodius is called a 'bustuarius.' Klotz suggests this explanation: Cicero often calls his banishment from Rome a political funeral; and the more, as Clodius had burnt down his house, and accordingly in some sort had made a 'bustum' over it. Cicero calls him a 'gladiator bustuarius,' as if he were a gladiator fighting over the funeral pile of his enemy, who was destroyed. If this is the true explanation of Cicero's words, and it may be, I see nothing so 'pikant' in them as Klotz says there is; for the real 'bustuarius' fights to do honour to the dead, and Clodius fights, oratorically, for the purpose, I suppose, of insulting the dead. So there seems no propriety in the name. I do not believe that Cicero thought of more than an abusive name; and if we attempt to look very narrowly at his words, we may be doing more than he would have wished his readers to do.

Q. Metelli] Numidicus. See Vol. iii. Index. This is one of Cicero's stock stories. The expression 'cum deorum immortalium laude conjungo' seems impious to Abrami, who supposes the impiety to be of Stoic origin, for the Stoics compared a wise man to God.

barbaro Epicureo] This is Piso. 'Barbato P. ut videtur' Halm. Manutius read 'barbato.' The 'lanternarius' is one who holds a light or a lantern to another, his torch-bearer, link-boy. There is no difficulty in giving a meaning to all this abuse. Abrami, among other passages, quotes Valerius Maximus (vi. 8): "M. Antonius incesti reus agebatur, cujus in judicio accusatores servum in quaestionem perseverantissime postulabant, quod ab eo quum ad stuprum iret laternam praelatam contenderent." Gabinius did the same honourable service for Catiline in his rambles by night.

cymbala ac crotala] Tambourines and

[ac crotala] fugi; neque tam fui timidus ut, qui in maximis turbinibus ac fluctibus rei publicae navem gubernassem, salvamque in portu collocassem, frontis tuae nubeculam aut collegae tui contaminatum spiritum pertimescerem. Alios ego vidi ventos; alias prospexi animo procellas; aliis impendentibus tempestatibus non cessi, sed his unum me pro omnium salute obtuli. Itaque discessu tum meo omnes illi nefarii gladii de manibus crudelissimis exciderunt; quum quidem tu, o vecors et amens, quum omnes boni abditi inclusique maererent, templa gemerent, tecta ipsa urbis lugerent, complexus es funestum illud animal ex nefariis stupris, ex civili cruore, ex omnium scelerum importunitate et flagitiorum impunitate concretum, atque eodem in templo, eodem et loci vestigio et temporis, arbitria non mei solum, sed patriae funeris abstulisti.

X. Quid ego illorum dierum epulas, quid laetitiam et gratulationem tuam, quid cum tuis sordidissimis gregibus intemperantissimas perpotationes praedicem? Quis te illis diebus sobrium, quis agentem aliquid quod esset libero dignum, quis denique in publico vidit? quum collegae tui domus cantu et cymbalis personaret, quumque ipse nudus in convivio saltaret, in quo ne tum quidem, quum illum suum saltatorium versaret orbem, fortunae rotam per-

castagnettes, such as a dancing-girl would have. He has already called Gabinius 'saltatrix tonsa.' Lucretius (ii. 618) has

"Tympana tenta tonant palmis et cymbala circum
Concava, raucisonoque minantur cornua cantu."

Manutius quotes a line:

"Crispum sub crotalo docta movere latus."

The 'cymbala' are often represented on ancient works of art. "Cet instrument était d'airain, en forme de coupe, à peu près comme nos cymbales; il y en avait qu'on tenait avec des manches; d'autres étaient garnies d'anneaux ou de courroies. Les peintures antiques en offrent souvent." (Clarac's Louvre, Index). E. G. M. P. have 'crotalia.' Halm omits 'ac crotala,' following Wunder (Var. Lect. p. xlvii), who observes that he does not know what MSS. contain both 'cymbala' and 'crotala,' and he conjectures that 'crotala,' which is supposed often not to differ in meaning from 'cymbala,' has been written above 'cymbala' in some MSS., and has expelled the genuine word. He observes that 'cantu et cymbalis' occurs in c. 10.

Alios ego vidi] The real danger was not from Clodius, or from Piso, or from Gabinius; but it was Caesar and Pompeius whom he feared. See Pro Sestio, c. 16, &c.

his unum] '[his]' Halm: 'bis' Mommsen.—'concretum:' 'conceptum' T., Halm. —'eodem et loci:' C. "at tum expectares *eodem vestigio et loci et temporis*" (Halm); who omits the 'et' before 'loci.' Caesar has (B. G. vii. 25) "in illo vestigio temporis."

arbitria] See Quum Senatui, c. 7, Vol. iii.

10. *illum suum . . . orbem*] Some of the commentators suppose that Gabinius moved round in his dance, describing a circle, which ought to have made him think on Fortune's wheel. But his motion on a plane surface would not be like the motion of a wheel. The other interpretation is that he had a kind of hoop which he turned round. Abrami quotes a passage of Arnobius, Adversus Gentes, 2. 73: "Ut incompositos corporum dissolveretur in motus, saltitaret et cantaret, orbes saltatorios verteret et ad ultimum clunibus et coxendicibus sublevatis lumborum crispitudine fluctuaret." Abrami thinks that the 'orbes saltatorios verteret' of Arnobius have the

timescebat. Hic autem non tam concinnus helluo, nec tam musicus, jacebat in suo Graecorum foetore atque vino. Quod quidem istius in illis rei publicae luctibus quasi aliquod Lapitharum aut Centaurorum convivium ferebatur; in quo nemo potest dicere, utrum iste plus biberit [aut] vomuerit an effuderit. Tune etiam mentionem facies consulatus tui, aut te fuisse Romae consulem dicere audebis? Quid, tu in lictoribus, in toga [et] praetexta esse consulatum putas? quae ornamenta etiam in Sex. Clodio te consule esse voluisti. Hujus tu Clodiani canis insignibus consulatum declarari putas? Animo consulem esse oportet, consilio, fide, gravitate, vigilantia, cura, toto denique munere consulatus omni officio tuendo, maximeque, id quod vis nominis ipsa praescribit, rei publicae consulendo. An ego consulem esse putem qui senatum esse in re publica non putavit? et sine eo consilio consulem numerem, sine quo Romae ne reges quidem esse potuerunt? Etenim illa jam omitto: quum servorum dilectus haberetur in foro, arma in templum Castoris luce et palam comportarentur, id autem templum, sublato aditu, revulsis gradibus, a conjuratorum reliquiis atque a Catilinae praevaricatore quondam, tum ultore, armis teneretur; quum equites Romani relegarentur, viri boni lapidibus e foro pellerentur, senatui non solum juvare rem publi-

same meaning as Cicero's expression, and refer merely to the motion of the body. He quotes Homer's description of the dance represented on Achilles' shield, where the movement of the dance is compared to the motion of a potter's wheel; and what does he not quote? He has missed a fragment of Simonides (Plutarch, Symp. ix. 15, 2) thus arranged by Bergk:

'Απέλαστον ἵππον ἢ κύνα
'Αμυκλαίαν ἀγωνίῳ
ἐλελιζόμενος ποδὶ μίμεο καμπύλον μέλος
διώκων.

Klotz thinks that it is necessary to suppose that Gabinius is represented with some circular thing in his hand in order that the comparison with Fortune's wheel may be just; and he thinks that the other meaning can hardly be reconciled with the words. He also thinks that the passage does not deserve the censure which Aper passes on it (Tacit. Dial. de Orat. c. 23): "Nolo inridere *rotam fortunae et jus Verrinum*, et illud tertio quoque sensu in omnibus orationibus pro sententia positum, *esse videatur.*"

Quod quidem istius] 'This behaviour on his part.' The word 'aut' between 'Centaurorum' and 'Lapitharum' makes a difficulty. It should be 'et' or 'atque' if Cicero is alluding to the fight of the Centaurs and the Lapithae; but he plainly means a feast where the guests are Centaurs or Lapithae.—'[aut] vomuerit:' E. F. Halm has 'an vomuerit,' but between [ ].

toga [et] praetexta] C. Halm omits 'toga et.'—'Sex. Clodio:' he had a 'praetexta' on the day of the Ludi Compitalicii; and lictors too, as it seems. (See c. 4, note.) —'Hujus tu Clodiani canis:' Lambinus wrote 'His tu, Clodiane canis,' &c. which Halm has followed. 'Hujus tu,' &c. means 'Do you think that a consulship is shown to be a consulship by the insignia of this hound of Clodius?' E. F. G. have 'Clodiani;' S. has 'Clodiane.'—'sine eo consilio:' 'without that body,' the senate, which existed in the kingly period.

Catilinae praevaricatore] P. Clodius who prosecuted Catilina for Repetundae, and was charged with having colluded to procure his acquittal.

equites Romani] Gabinius relegated L. Aelius Lamia a Roman eques (c. 27). See Pro Sestio, c. 12, and the note.

cam, sed ne lugere quidem liceret; quum civis is, quem hic ordo assentiente Italia cunctisque gentibus conservatorem patriae judicarat, nullo judicio, nulla lege, nullo more, servitio atque armis pelleretur, non dicam auxilio vestro, quod vere licet dicere, sed certe silentio; tum Romae fuisse consules quisquam existimabit? Qui latrones igitur, si quidem vos consules? qui praedones, qui hostes, qui proditores, qui tyranni nominabuntur? XI. Magnum nomen est, magna species, magna dignitas, magna majestas consulis: non capiunt angustiae pectoris tui, non recipit levitas ista, non egestas animi, non infirmitas ingenii sustinet, non insolentia rerum secundarum tantam personam, tam gravem, tam severam. Seplasia me hercule, ut dici audiebam, te, ut primum aspexit, Campanum consulem repudiavit. Audierat Decios Magios, et de Taurea illo Vibellio aliquid acceperat; in quibus si moderatio illa, quae in nostris solet esse consulibus, non fuit, at fuit pompa, fuit species, fuit incessus saltem Seplasia dignus et Capua. Gabinium denique si vidissent duumvirum vestri illi unguentarii, citius agnovissent. Erant illi compti capilli, et madentes cincinnorum fimbriae et fluentes cerussataeque buccae, dignae Capua, sed illa vetere. Nam haec quidem, quae nunc est, splendidissimorum hominum, fortissimorum virorum, optimorum civium mihique amicissimorum multitudine redundat; quorum Capuae te praetextatum nemo aspexit qui non gemeret desiderio mei, cujus consilio quum universam rem publicam, tum illam ipsam urbem meminerant esse servatam. Me inaurata statua donarant; me patronum

11. *tantam personam*] 'so great a character,' as the character and office of a consul.

Seplasia] "Dictum est in dissuasione legis Agrariae apud populum plateam esse Capuae, quae Seplasia appellatur, in qua unguentarii negotiari sint soliti" (Asconius). See Pro Sestio, c. 8; De Leg. Agrar. ii. c. 34.—'Campanum consulem:' Piso was one of the Duumviri in the new colony of Capua (Pro Sestio, c. 8, and the note).—'Vibellio:' "Vibellio G: *in bello* E: *uibullio* M: *Iubellio:* F. S. *Vibellius* habet Cod. Puteanus Liv. xxiii. 8 et 46, xxvi. 15, Nazarianus in Periochis Livii lib. 12, *vibellus* Bernensis Valerii Maximi iii. 2. Ext. 1. Cf. impr. Inscr. Neap. ed. Mommsen n. 3428, ubi est nomen in titulo Campano et n. 855. Etiam supra De Lege Agraria ii. c. 34 *Vibellios* scribendum erat" (Halm). Compare De Lege Agraria ii. 34: "Blossios mihi videbar illos videre ac Jubellios;" and the note. Some editions have 'Decios, Magios;' but Livy (xxiii. 7) writes: "Decius Magius, vir cui" &c.

compti capilli] See c. 8.—'cerussataeque:' ed. Juntina. Halm says "*pulsataeque* codd. ut videtur omnes et edd. vett."

illa vetere] Old Capua, the luxurious city. 'Nam haec quidem' is the new Capua, C. Caesar's colonia, B.C. 59 (Quum Senatui, c. 11, note). Pliny (xiii. c. 4, quoted by Abrami) says, that Capua was famed for its 'unguenta.' Oil of roses was made in Campania: "Terrarum omnium Aegyptus accommodatissima unguentis: ab ea Campania est copia rosae."

inaurata statua] Statue making became a common fashion. (Plin. xxxiv. 4, 6.) The Romans took it from the Greeks, and we have the absurd practice of setting up things which look more like a negro than any thing else. Cicero's was gilded, which is an improvement, if the statue is worth looking at. If it is not, the dirtier and blacker the better it is. People get accustomed not to look

unum asciverant; a me se habere vitam, fortunas, liberos arbitrabantur; me et praesentem contra latrocinium tuum suis decretis legatisque defenderant, et absentem principe Cn. Pompeio referente et de corpore rei publicae tuorum scelerum tela revellente revocarant. An tum eras consul, quum in Palatio mea domus ardebat, non casu aliquo, sed ignibus injectis instigante te? Ecquod in hac urbe majus umquam incendium fuit cui non consul subvenerit? At tu illo ipso tempore apud socrum tuam prope a meis aedibus, cujus domum ad meam exhauriendam patefeceras, sedebas, non exstinctor, sed auctor incendii, et ardentes faces furiis Clodianis paene ipse consul ministrabas. XII. An vero reliquo tempore consulem te quisquam duxit, quisquam tibi paruit, quisquam in curiam venienti assurrexit, quisquam consulenti respondendum putavit, numerandus est ille annus denique in re publica, quum obmutuisset senatus, judicia conticuissent, maererent boni, vis latrocinii vestri tota urbe volitaret neque civis unus ex civitate, sed ipsa civitas tuo et Gabinii sceleri furorique cessisset?

Ac ne tum quidem emersisti, lutulente Caesonine, ex miserrimis naturae tuae sordibus, quum experrecta tandem virtus clarissimi viri celeriter et verum amicum et optime meritum civem et suum pristinum morem requisivit: neque est ille vir passus in ea re publica quam ipse decorarat atque auxerat diutius vestrorum scelerum pestem morari; quum tamen ille, qualiscumque est, qui est ab uno te improbitate victus, Gabinius, collegit ipse se vix, sed collegit tamen et contra suum Clodium, primum simulate, deinde non

at it. Abrami quotes Horace (Carm. iii. 24):

> " Si quaeret pater urbium
> Subscribi statuis."

Statues were erected to the Patroni of coloniae.

An tum eras] The old reading was 'An tu eras.' Wunder (Var. Lect. lvi) says that 'tu' should be changed into 'tum,' even without the authority of the MSS., for "Cicero does not mean that any other man was consul at this time when his house was burnt, but he says that Piso did not discharge a consul's duty." But 'tu' could certainly mean this: 'Were you a consul?' However, all Halm's MSS. have 'tum.'

Palatio] After Cicero left the city, his property was made public by P. Clodius; and his house at Rome was plundered and burnt. The things were carried off from Cicero's house to the house of the consul's 'socrus,' whose name, says Asconius, I have not been able to find out. Compare Quum Senatui, c. 7: "bona ad vicinum consulem de Palatio . . deferebantur;" and the absurd passage in the De Domo, c. 24: "columnae marmoreae ex aedibus meis inspectante populo Romano ad socrum consulis portabantur" (Vol. iii.).

12. *clarissimi viri*] His friend Cn. Pompeius, who being roused at last by the attacks of Clodius on himself, helped to recall Cicero, whose tongue was useful. Compare Pro Sestio, c. 31, "Hic aliquando . . . Cn. Pompeius;" and the passage in the De Domo, c. 10, "Sed excitatus aliquando Cn. Pompeii," &c.

Gabinius, collegit ipse] Gabinius broke his bargain with Clodius, and joined his patron Pompeius: "postea fregit foedus Gabinius; Piso tamen in fide mansit" (De Domo, c. 25).—'in ejusmodi pari:' 'in the case of such a couple of gladiators.'

libenter, ad extremum tamen pro Cn. Pompeio vere vehementerque pugnavit. Quo quidem in spectaculo mira populi Romani aequitas erat. Uter eorum perisset, tamquam lanista, in ejusmodi pari lucrum fieri putabat, immortalem vero quaestum, si uterque cecidisset. Sed ille tamen agebat aliquid: tuebatur auctoritatem summi viri. Erat ipse sceleratus, erat gladiator; cum scelerato tamen et cum pari gladiatore pugnabat. Tu, scilicet homo religiosus et sanctus, foedus, quod meo sanguine in pactione provinciarum iceras, frangere noluisti. Caverat enim sibi ille sororius adulter, ut, si tibi provinciam, si exercitum, si pecuniam ereptam ex rei publicae visceribus dedisset, omnium suorum scelerum socium te adjutoremque praeberes. Itaque in illo tumultu fracti fasces, ictus ipse, quotidie tela, lapides, fugae; deprehensus denique cum ferro ad senatum is quem ad Cn. Pompeium interimendum collocatum fuisse constabat. XIII. Ecquis audivit non modo actionem aliquam aut relationem, sed vocem omnino aut querelam tuam? Consulem tum te fuisse putas, cujus in imperio, qui rem publicam, senatus auctoritatem servarat, idemque in Italia, qui omnes omnium gentium partes tribus triumphis devinxerat, is se in publico tuto statuit esse non posse? An tum eratis consules, quum, quacumque de re verbum facere coeperatis aut referre ad senatum, cunctus ordo reclamabat, ostendebatque nihil esse vos acturos, nisi prius de me rettulissetis? quum vos, quamquam foedere obstricti tenebamini, tamen cupere vos diceretis, sed lege impediri? Quae lex privatis hominibus esse lex non videbatur, inusta per servos, incisa per vim, imposita per latrocinium, sublato

tamquam lanista] The Populus Romanus are compared to the 'lanista' or training master of the gladiators. It is easy to understand why the people did not care whether Clodius or Gabinius perished in the fight; nor would a 'lanista' care which of his men died, if he lost nothing by it. If he had a couple of troublesome fellows in his company, he would be glad to get rid of either, and of both.

in pactione provinciarum] "Pro glossemate habet Bake iv. p. 302" (Halm). Perhaps Bake is right.—'sororius adulter:' P. Clodius.—'fracti fasces . . . lapides:' compare De Domo, c. 25. The 'fasces' are the 'fasces' of Gabinius.—'deprehensus:' the slave of Clodius, who was said to have been directed to kill Pompeius (Pro Sestio, c. 32).

13. *Ecquis*] Halm: 'Et quis' C.—'tum:' 'tune,' Wunder, Halm.—'idemque in Italia.' These words are corrupt. Lambinus proposed 'itemque in Italia.' A friend of Ursini proposed to change 'idemque' into 'is se.' Gulielmius proposed 'fidemque in Italia:' Mommsen, 'idem se in Italia;' the best of all. Halm writes 'rem publicam senatus auctoritate,' without giving any variations. The first part of the sentence, 'qui rem publicam . . . Italia,' refers to Cicero: the three triumphs point to Pompeius, who was at this turbulent time afraid to leave his house. (Pro Sestio, c. 32.)

aut referre ad senatum] Wunder thinks these words are a glossema, and merely the explanation of the words 'verbum facere' (Variae Lectiones, &c. p. liii).—'lege:' the Lex Clodia against Cicero (Pro Sestio, c. 32), where he says, "qui, quum in senatu privati," &c.

inusta per servos] 'A lex fixed in by branding;' but branded on what? He leaves us to complete his extravagant meta-

senatu, pulsis e foro bonis omnibus, capta re publica, contra omnes leges nullo scripta more, hanc qui se metuere dicerent, hos consules, non dicam animi hominum, sed fasti ulli ferre possunt? Nam si illam legem non putabatis, quae erat contra omnes leges indemnati civis atque integri capitis bonorumque tribunicia proscriptio, hac tamen obstricti pactione tenebamini, quis vos non modo consules, sed liberos fuisse putet, quorum mens fuerit oppressa praemio, lingua adstricta mercede? Sin illam vos soli legem putabatis, quisquam vos consules tunc fuisse aut nunc esse consulares putet, qui ejus civitatis, in qua in principum numero vultis esse, non leges, non instituta, non mores, non jura noritis? An quum proficiscebamini paludati in provincias vel emptas vel ereptas, consules vos quisquam putavit? Itaque, credo, si minus frequentia sua vestrum egressum ornando atque celebrando, at ominibus saltem bonis ut consules, non tristissimis ut hostes aut proditores prosequebantur.

XIV. Tune etiam, immanissimum ac foedissimum monstrum, ausus es meum discessum illum, testem sceleris et crudelitatis tuae, maledicti et contumeliae loco ponere? Quo quidem tempore cepi, patres conscripti, fructum immortalem vestri in me et amoris et judicii, qui non admurmuratione, sed voce et clamore, abjecti hominis et semivivi furorem petulantiamque fregistis. Tu luctum senatus, tu desiderium equestris ordinis, tu squalorem Italiae, tu curiae taciturnitatem annuam, tu silentium perpetuum judiciorum ac fori, tu cetera illa in maledicti loco pones, quae meus discessus rei publicae vulnera inflixit? Qui si calamitosissimus fuisset, tamen misericordia dignior quam contumelia et cum gloria potius esse conjunctus quam cum probro putaretur, atque ille dolor meus dumtaxat, vestrum quidem scelus ac dedecus haberetur. Quum

phor. Abrami says, "quasi ferro candenti in rei publicae fronte ad perpetuam ignominiam impressa." Cicero then gives us another expression more appropriate, 'incisa per vim,' cut on the bronze ('legum aera,' In Cat. iii. c. 8, Vol. iii.).

hac tamen] C. Halm writes 'ac tamen,' following Wunder. 'Hac' and 'ac' are often confounded. Wunder says that besides the word of opposition (tamen), the word of connexion (ac) is also wanted. I think the word of connexion, though there is a connexion, spoils the sentence, and that 'hac tamen' is right. Wunder shows that 'ac tamen' may be said as well as 'et tamen;' and that must be admitted. He refers to the passage in the De Prov. Cons. c. 7: "ac tamen hac una plaga," which is Wunder's correction, the common reading being 'hac tamen una plaga.' But the MSS. readings in that passage clearly show that 'ac tamen hac una' is the true reading there.

paludati] See Index, Vol. i.

aut proditores] 'aut' C. 'ac' Halm; 'ut' Nipperdei.

14. *maledicti*] 'in maledicti' Halm. 'in' om. C. Halm thinks that the preposition is wanted. It occurs shortly after.

annuam] 'during a whole year,' the consulship of Piso and Gabinius. The continued silence of the courts is spoken of in the oration In Vatin. c. 3.

vero—forsitan hoc, quod dicturus sum, mirabile auditu esse videatur, sed certe id dicam quod sentio—quum tantis a vobis, patres conscripti, beneficiis affectus sim, tantisque honoribus, non modo illam calamitatem esse non duco, sed, si quid mihi potest a re publica esse sejunctum, quod vix potest, privatim ad meum nomen augendum, optandam duco mihi fuisse illam expetendamque fortunam. Atque ut tuum laetissimum diem cum tristissimo meo conferam, utrum tandem bono viro et sapienti optabilius putas, sic exire e patria ut omnes sui cives salutem, incolumitatem, reditum precentur, quod mihi accidit, an quod tibi proficiscenti evenit, ut omnes exsecrarentur, male precarentur, unam tibi illam viam et perpetuam esse vellent? Mihi me dius fidius in tanto omnium mortalium odio, justo praesertim et debito, quaevis fuga quam ulla provincia esset optatior.

XV. Sed perge porro. Nam si illud meum turbulentissimum tempus [profectionis] tuo tranquillissimo praestat, quid conferam reliqua quae in te dedecoris plena fuerunt, in me dignitatis? Me Kalendis Januariis, qui dies post obitum occasumque vestrum rei publicae primus illuxit, frequentissimus senatus, concursu Italiae, referente clarissimo atque fortissimo viro, P. Lentulo, consentiente atque una voce revocavit. Me idem senatus exteris nationibus, me legatis magistratibusque nostris auctoritate sua consularibusque litteris, non, ut tu Insuber dicere ausus es, orbatum patria, sed, ut senatus illo ipso tempore appellavit, civem servatoremque rei pub-

non duco] '*non dico* V. et E. pr. m.' (Halm.) The common reading is 'non duco.' Further on, Bake would write 'optandam dico mihi fuisse.'

exsecrarentur] I find, says Abrami, that there were two ways of cursing a man who went out to his province, one of a popular kind, the cursing of the people who assembled to see the man go, as it happened to Gabinius and Piso; the other was the formal cursing, such as was done when the tribune Ateius cursed Crassus when he was going to Syria and the East (Pro Sestio, c. 33; Plutarch, Crassus, c. 16).

viam et perpetuam] Such a road is one which would have no end, and from which there would be no return; as in Turpilius, quoted by Nonius:

"Egredere atque utinam istuc perpetuum itiner sit tibi."

(Manutius.) Abrami approves of this explanation, and adds, "quod etiam refert et multis suo more verbis explicat P. Victorius cap. i. lib. 2. Var. lect." Another comes and tells us that Manutius got this meaning and the verse of Turpilius from Victorius, and yet did not mention his name. Perhaps he ought to have done so. If a commentator would stand clear of the charge of larceny, the best thing he can do now-a-days, when so much has been said on the Greek and Roman writers, is to disclaim all originality; and if any man finds any thing that is good in his notes, let the finder claim it as his own, or, if he is too modest for that, let him assign it to somebody else.

15. *Kalendis Januariis*] See Vol. iii. p. 295; and Pro Sestio, c. 33, 34: "Veniunt Kalendae Januariae—equidem audita dico." —'qui dies:' this is the usual form, when a date is referred to. The relative agrees with the following noun 'dies.' The examples are numerous: "Postridie in senatu, qui fuit dies Non. Septembr. senatui gratias egimus" (Ad Att. iv. 1).—'consentiente populo Romano atque' &c. C.

licae, commendavit. Ad meam unius salutem senatus auxilium omnium civium cuncta ex Italia, qui rem publicam salvam esse vellent, consulis voce et litteris implorandum putavit. Mei capitis conservandi caussa Romam uno tempore quasi signo dato Italia tota convenit. De mea salute P. Lentuli, praestantissimi viri atque optimi consulis, Cn. Pompeii, clarissimi atque invictissimi civis, ceterorumque principum civitatis celeberrimae et gratissimae contiones fuerunt. De me senatus ita decrevit Cn. Pompeio auctore et ejus sententiae principe, ut, si quis impedisset reditum meum, in hostium numero putaretur; iisque verbis ea de me senatus auctoritas declarata est, ut nemini sit triumphus honorificentius quam mihi salus restitutioque perscripta. De me quum omnes magistratus promulgassent praeter unum praetorem, a quo non fuit postulandum, fratrem inimici mei, praeterque duos de lapide emptos tribunos [plebis], legem comitiis centuriatis tulit P. Lentulus consul de collegae Q. Metelli sententia; quem mecum eadem res publica, quae in tribunatu ejus disjunxerat, in consulatu virtute optimi ac justissimi viri sapientiaque conjunxit. Quae lex quemadmodum accepta sit, quid me attinet dicere? Ex vobis audio nemini civi ullam quo minus adesset satis justam excusationem esse visam; nullis comitiis umquam neque multitudinem hominum tantam neque splendidiorem fuisse: hoc certe video, quod indicant tabulae publicae, vos rogatores, vos diribitores, vos custodes fuisse tabularum; et, quod in honoribus vestrorum propinquorum non facitis vel aetatis excusatione vel honoris, id in salute mea nullo rogante vos vestra sponte fecistis.

in hostium numero] In Cat. iii. c. 10. As to the story, compare Quum Senatui, c. 10, &c.—'unum praetorem:' Appius Claudius, Publius' brother.—'de lapide emptos:' 'bought from the stone,' bought like slaves, who were mounted upon a stone, when they were sold, or on any thing else from which they could be seen; as a man now-a-days is sometimes mounted on the end of a barrel to be sold in the United States. Cato, quoted by Appuleius (Apolog. de Magia, T. ii. p. 431, ed. Oudendorp, quoted by Mayer), says: "jussisse duos pueros in foro de mensa emi." 'Mensa' is explained to be the 'catasta' or 'lapis,' on which slaves for sale were mounted. The two tribunes, two out of ten who opposed Cicero's recall, were Sex. Atilius Serranus and Q. Numerius (Pro Sestio, c. 33, and the notes, and c. 40).

Q. Metelli] Nepos. See Pro Sestio, c. 62.—'tabulae publicae:' the 'acta diurna,' as Abrami says, which were established by C. Caesar in his consulship, B.C. 59: "Inito honore primus omnium instituit ut tam senatus quam populi diurna acta conficerentur et publicarentur." (Sueton. Jul. c. 20.)

splendidiorem] "Splendorem S. pr. m. et 2 Oxx. ut conjecerat Faernus prob. Wunder p. lx." (Halm.) Klotz entreats the reader to compare the passage in the Quum Senatui, c. 11, "quando illa dignitate," &c., "since he will thus be most easily convinced that the true reading here is 'splendorem.'" Let the reader make the experiment.

diribitores] "V. *distributores*, C. Ad voc. in V. manu antiqua hoc scholion adscriptum est: 'descriptores, divisores tabularum et numeratores suffragiorum'" (Halm).—'tabularum:' V. C.; 'tabellarum,' Codd. Lallemandi, Halm.

XVI. Confer nunc, Epicure noster, ex hara producte, non ex schola, confer, si audes, absentiam tuam cum mea. Obtinuisti provinciam consularem finibus iis quos lex cupiditatis tuae, non quos lex generi tui pepigerat. Nam lege Caesaris justissima atque optima populi liberi plane et vere [erant] liberi; lege autem ea, quam nemo legem praeter te et collegam tuum putavit, omnis erat tibi Achaia, Thessalia, Athenae, cuncta Graecia addicta. Habebas exercitum tantum, quantum tibi non senatus aut populus Romanus dederat, sed quantum tua libido conscripserat; aerarium exhauseras. Quas res gessisti [in] imperio, exercitu, provincia consulari? Quas res gesserit, quaero, qui, ut venit, statim—nondum commemoro rapinas, non exactas pecunias, non captas, non imperatas, non neces sociorum, non caedes hospitum, non perfidiam, non immanitatem, non scelera praedico: mox, si videbitur, ut cum fure, ut cum sacrilego, ut cum sicario disputabo; nunc meam spoliatam fortunam conferam cum florente fortuna imperatoris—quis umquam provinciam cum exercitu obtinuit, qui nullas ad senatum litteras miserit? tantam vero provinciam cum tanto exercitu, Macedoniam praesertim, quae tantis barbarorum gentibus attingitur, ut semper Macedonicis imperatoribus iidem fines provinciae fuerint qui gladiorum atque pilorum; ex qua aliquot praetorio imperio, consulari quidem nemo rediit, qui incolumis fuerit, qui non triumpharit. Est hoc novum: multo illud magis. Appellatus est hic vulturius illius provinciae, si diis placet, imperator.

XVII. Ne tum quidem, Paulle noster, tabellas cum laurea Romam mittere audebas? Misi, inquit. Quis umquam recitavit? quis ut recitarentur postulavit? Nihil enim mea jam refert, utrum tu conscientia oppressus scelerum tuorum nihil umquam ausus sis scribere ad eum ordinem, quem despexeras, quem afflixeras, quem deleveras, an amici tui tabellas abdiderint iidemque silentio suo temeritatem atque audaciam tuam condemnarint. Atque haud

16. *ex hara*]

"Me pinguem et nitidum bene curata cute vises,
Quum ridere voles Epicuri de grege porcum."

Horace, Ep. i. 4, v. 15.

lex generi] Caesar's Lex de Provinciis. See De Prov. Cons. c. 4.—'tua libido:' De Prov. Cons. c. 3.—'statim:' after this word Halm supposes that there is a lacuna; at least he leaves one in his book.

imperatas] See Index, Vol. i. Imperare, Imperatum.

Macedonicis imperatoribus] Compare De Prov. Cons. c. 7.—'qui non:' 'quin,' Halm. On the words 'qui non triumpharit,' Manutius observes, "excepto tamen L. Torquato."

17. *Paulle noster*] He calls him contemptuously Paullus. Aemilius Paullus was the conqueror of Perses, the last king of Macedonia. Piso did not dare to send 'litterae laureatae,' despatches which announced a victory. As to 'laurea,' see De Prov. Cons. c. 12.

scio an malim te videri nullo pudore fuisse in litteris mittendis, an amicos tuos plus habuisse pudoris et consilii, quam aut te videri pudentiorem fuisse quam soles, aut tuum factum non esse condemnatum judicio amicorum. Quod si non tuis nefariis in hunc ordinem contumeliis in perpetuum tibi curiam praeclusisses, quid tandem erat actum aut gestum in illa provincia, de quo ad senatum cum gratulatione aliqua scribi abs te oporteret? Vexatio Macedoniae? an oppidorum turpis amissio? an sociorum direptio? an agrorum depopulatio? an munitio Thessalonicae? an obsessio militaris viae? an exercitus nostri interitus ferro, fame, frigore, pestilentia? Tu vero qui ad senatum nihil scripseris, ut in urbe nequior inventus es quam Gabinius, sic in provincia paullo tamen quam ille demissior. Nam ille gurges atque heluo, natus abdomini suo, non laudi atque gloriae, quum equites Romanos in provincia, quum publicanos, nobiscum et voluntate et dignitate conjunctos, omnes fortunis, multos fama vitaque privasset, quum egisset aliud nihil illo exercitu nisi ut urbes depopularetur, agros vastaret, exhauriret domos, ausus est—quid enim ille non audeat?—a senatu supplicationem per litteras postulare. XVIII. O dii immortales! tune etiam, atque adeo vos, geminae voragines scopulique rei publicae, vos meam fortunam deprimitis, vestram extollitis? quum de me ea senatusconsulta absente facta sint, eae contiones habitae, is motus fuerit municipiorum et coloniarum omnium, ea decreta publicanorum, ea collegiorum, ea denique generum ordinumque omnium, quae non modo ego optare numquam auderem, sed cogitare non possem, vos autem sempiternas foedissimae turpitudinis notas subieritis. An ego, si te et Gabinium cruci suffixos viderem, majore afficerer laetitia ex corporis vestri laceratione quam afficior ex famae? Nullum est supplicium putandum, quo affici casu aliquo etiam boni viri fortesque possunt. Atque hoc quidem etiam isti tui dicunt voluptarii Graeci; quos utinam ita audires, ut erant audi-

an amicos] Compare De Prov. Cons. c. 6, "aut amicos habet prudentiores." Lambinus wrote 'et amicos.' Graevius thought that 'an' ought to be erased. If 'an' is right, we must repeat 'malim videri.'

Thessalonicae . . militaris viae] De Prov. Cons. c. 2.—'quum publicanos:' De Prov. Cons. c. 4.—'illo exercitu:' V. 'in illo exercitu' C.—'audeat:' V. The other MSS. have 'auderet.' "Delenda dictio *in*; et post duos versus, ubi est *non auderet*, legendum *non audeat*" (Faernus).

18. *voragines*] Chasms, holes, which swallow up. He adds 'rocks' on which the ship of the state is wrecked.—'collegiorum:' the societies of various kinds in Rome (Pro Sestio, c. 14, 15), such as we find in many English towns.

voluptarii] The Epicureans, he says, who measure happiness by pleasure, would have taught him better if he had listened to them. They would have taught him to seek pleasure in a better way than by living the life of a hog.—'Phalaridis:' the old story of Phalaris and his brazen bull, in which he placed men and lighted a fire under it. (Verr. ii. 4, c. 33, Vol. i.) Phalaris and his bull often supplied Cicero with matter.

endi, numquam te in tot flagitia ingurgitasses. Verum audis in praesepibus, audis in stupris, audis in cibo et vino. Sed dicunt isti ipsi, qui mala dolore, bona voluptate definiunt, sapientem, etiamsi in Phalaridis tauro inclusus succensis ignibus torreatur, dicturum tamen suave illud esse seque ne tantulum quidem commoveri. Tantam virtutis vim esse voluerunt, ut non posset esse umquam vir bonus non beatus. Quae est igitur poena? quod supplicium? Id mea sententia quod accidere nemini potest nisi nocenti, suscepta fraus, impedita et oppressa mens conscientia, bonorum omnium odium, nota justa senatus, amissio dignitatis. XIX. Nec mihi ille M. Regulus, quem Karthaginienses resectis palpebris illigatum in machina vigilando necaverunt, supplicio videtur affectus; nec C. Marius, quem Italia servata ab illo demersum in Minturnensium paludibus, Africa devicta ab eodem expulsum et naufragum vidit. Fortunae enim ista tela sunt, non culpae; supplicium autem est poena peccati. Neque vero ego, si umquam vobis mala precarer, quod saepe feci,—in quo dii immortales meas preces audiverunt,—morbum aut mortem aut cruciatum precarer. Thyestea est ista exsecratio poetae vulgi animos non sapientium moventis; ut tu "naufragio expulsus uspiam"

—— saxis fixus asperis, evisceratus,
latere penderes (ut ait ille) saxa spargens tabo, sanie
et sanguine atro!

This talk about the wise man is very absurd. It is hard to conceive that those who measured 'mala' by pain, and 'bona' by pleasure, could be such fools as to say that it was pleasant to be roasted alive. He says the same about Epicurus in another place (Tusc. Disp. ii. 7: "Epicurus vero ea dicit ut mihi quidem risus captare videatur. Affirmat enim quodam loco, si uratur sapiens, si crucietur—expectas fortasse dum dicat, patietur, perferet, non succumbet: magna mehercule laus, et eo ipso per quem juravi Hercule digna; sed Epicuro homini aspero et duro, non est hoc satis: in Phalaridis tauro si erit dicet, Quam suave est hoc, quam hoc non curo").

suscepta fraus] The consciousness of crime is the greatest punishment, as he says (Pro Roscio Amerino, c. 24): "Sua quemque fraus et suus terror maxime vexat." 'Suscepta fraus' means guilt or crime conceived and planned. Abrami quotes Ulpian (De Verborum signif. Dig. 50. 16, 131): "Aliud est fraus, aliud poena, fraus enim sine poena esse potest, poena sine fraude esse non potest. Poena est noxae vindicta; fraus et ipsa noxa dicitur, et quasi poenae quaedam praeparatio."

nota justa] 'nota iusti' F. S. 'nota iusta' V. Faernus wrote 'nota inusta a senatu.' Halm has 'nota inusta senatus.' Though 'iustus' and 'inustus' may be confounded, there is no sound judgment shown in the emendation, if 'justus' gives a sufficient sense; and I think it does.

19. *Regulus*] See Pro Sestio, c. 59, and the note on Regulus. Pomponius (Dig. 49. 15. 5, § 3) speaks of the story of Regulus as an historical fact.—'Marius:' see Quum Populo, c. 8; Pro Sestio, c. 22. Marius saved Italy in the Cimbric war, and conquered Africa in the war with Jugurtha.

poetae] Ennius in his tragedy of Thyestes. Cicero (Tusc. i. 44): "Exsecratur luculentis sane versibus apud Ennium Thyestes, primum ut naufragio pereat Atreus—

"Ipse summis saxis fixus asperis evisceratus,
Latere pendens, saxa spargens tabo, sanie
et sanguine atro."

Cicero has slightly altered the verse (penderes) to suit his sentence. Perhaps the words 'naufragio expulsus uspiam' are also the words of Ennius.

Non ferrem omnino moleste, si ita accidisset; sed id tamen esset humanum. M. Marcellus, qui ter consul fuit, summa virtute, pietate, gloria militari, periit in mari; qui tamen ob virtutem in gloria et laude vivit. In fortuna quadam est illa mors, non in poena putanda. Quae est igitur poena, quod supplicium, quae saxa, quae cruces? Esse duo duces in provinciis populi Romani, habere exercitus, appellari imperatores: horum alterum sic fuisse infirmatum conscientia scelerum et fraudum suarum, ut ex ea provincia, quae fuerit ex omnibus una maxime triumphalis, nullas sit ad senatum litteras mittere ausus. Ex qua provincia modo vir omni dignitate ornatissimus, L. Torquatus, magnis rebus gestis me referente ab senatu imperator est appellatus; unde his paucis annis Cn. Dolabellae, C. Curionis, M. Luculli justissimos triumphos vidimus, ex ea te imperatore nuntius ad senatum allatus est nullus. Ab altero allatae litterae, recitatae, relatum ad senatum. Dii immortales! idne ego optarem, ut inimicus meus ea qua nemo umquam ignominia notaretur? ut senatus is, qui in eam jam benignitatis consuetudinem venit, ut eos qui bene rem publicam gesserint novis honoribus afficiat, et numero dierum et genere verborum, hujus unius litteris nuntiantibus non crederet? postulantibus denegaret? XX. His ego rebus pascor, his delector, his perfruor: quod de vobis hic ordo opinatur non secus ac de taeterrimis hostibus; quod vos equites Romani, quod ceteri ordines, quod cuncta civitas odit: quod nemo bonus, nemo denique civis est, qui modo se civem esse meminerit, qui vos non oculis fugiat, auribus respuat, animo aspernetur, recordatione denique ipsa consulatus vestri perhorrescat. Haec ego semper de vobis expetivi, haec optavi, haec precatus sum. Plura etiam acciderunt quam

humanum] He would be sorry if they had perished thus; "but still that is a thing which may happen to any man," bad or good; and it is not therefore a punishment. M. Marcellus, the grandson of him who took Syracuse in the Second Punic War, was lost at sea near the coast of Africa (B.C. 148). That which happens in the course of nature is not a punishment, because it happens alike to the guilty and to the innocent. "What then is a penalty, what is a punishment, what are the (real) rocks and crosses?" A question which he has answered in his way.

maxime triumphalis] De Prov. Cons. c. 2.—'ab senatu' is Manutius' emendation. All the known MSS. have 'absens.' Manutius says, "Why *absens*, since all those who received the title of Imperator from the senate *abessent*, and in this way they were distinguished from those who were saluted Imperatores by the army?" Cn. Dolabella was the man whom C. Caesar prosecuted. All these three men had triumphs, but Torquatus it seems had none, though he had been called Imperator.; and Cicero has said, c. 16, "ex qua aliquot praetorio imperio, consulari quidem nemo rediit, qui incolumis fuerit, qui non triumpharit" (Manutius).

nemo] except T. Albucius. De Prov. Cons. c. 6.—'novis honoribus:' as in the case of Cn. Pompeius, and more recently in the case of C. Caesar (De Prov. Cons.).

20. *taeterrimis*] 'acerrimis' V. Halm.—'recordatione:' 'recordationem' E. F. G.—'ex voluntate:' 'voluntate mea' means 'with my consent,' as in Caesar (B. G. i. 7): "rogare ut ejus voluntate id sibi facere liceat."

vellem. Nam ut amitteretis exercitum numquam hercule optavi. Illud etiam accidit praeter optatum meum; sed valde ex voluntate. Mihi enim numquam veniret in mentem furorem et insaniam optare vobis in quam incidistis. Atqui fuit optandum. Me tamen fugerat deorum immortalium has esse in impios et consceleratos poenas certissimas constitutas. Nolite enim ita putare, patres conscripti, ut in scena videtis, homines consceleratos impulsu deorum terreri Furiarum taedis ardentibus. Sua quemque fraus, suum facinus, suum scelus, sua audacia de sanitate ac mente deturbat. Hae sunt impiorum furiae, hae flammae, hae faces. Ego te non vecordem, non furiosum, non mente captum, non tragico illo Oreste aut Athamante dementiorem putem, qui sis ausus primum facere,—nam id est caput,—deinde paullo ante Torquato, gravissimo et sanctissimo viro, premente, confiteri te provinciam Macedoniam, in quam tantum exercitum transportasses, sine ullo milite reliquisse? Mitto de amissa maxima parte exercitus. Sit hoc infelicitatis tuae. Dimittendi vero exercitus quam potes afferre caussam, quam potestatem habuisti, quam legem, quod senatusconsultum, quod jus, quod exemplum? Quid est aliud furere nisi non cognoscere homines, non cognoscere leges, non senatum, non civitatem? Cruentare corpus suum leve est: major haec est vitae, famae, salutis suae vulneratio. Si familiam tuam dimisisses, quod ad neminem nisi ad ipsum te pertineret, amici te [tui] constringendum putarent: praesidium tu rei publicae, custodiam provinciae injussu populi Romani senatusque dimisisses, si tuae mentis compos fuisses? XXI. Ecce tibi alter effusa jam maxima praeda, quam ex fortunis publicanorum, quam ex agris urbibusque

Me tamen fugerat] '*Nec me tamen* conj.' Bake (Halm); and it is a good conjecture.—'certissimas' V. 'certissimas constitutas' C. Halm omits 'constitutas.'

scena] "Nolite enim putare, quemadmodum in fabulis saepenumero videtis, eos qui aliquid impie scelerateque commiserint, agitari et perterreri Furiarum taedis ardentibus" (Pro Rosc. Amer. c. 24). Abrami observes that this is almost a copy of a passage in the speech of Aeschines against Timarchus—*Μὴ γὰρ οἴεσθε, ὦ Ἀθηναῖοι, τὰς τῶν ἀδικημάτων ἀρχὰς ἀπὸ θεῶν* &c. —'Furiarum:' 'furialibus V.' Halm.

tragico illo] Orestes, whom the Greek dramatists represent as driven mad by the furies after killing his mother, though Apollo told him to do it and she well deserved her punishment. Athamas, king of Thebes, was driven mad by Juno and killed his own children. The story is in Ovid (Met. iv. 450, &c.).

furere nisi non] 'furere non' and 'furere quam non' are the other readings. Halm points 'Quid est aliud furere? non cognoscere homines,' &c. When he says 'non cognoscere leges,' he means that the disbanding of Piso's army was Majestas and punishable under the Lex Cornelia (c. 21). —'constringendum:' as if he were a madman who dismissed his slaves. They would place him in bonds, and get him put under an interdict to prevent him from wasting his property.

21. *ex fortunis publicanorum*] Compare De Prov. Cons. c. 5. The 'alter' is Gabinius.—'emptiones:' there seems to be no meaning in the words which follow and are enclosed in [ ].—'Tusculani montem.'

sociorum exhauserat, quum partim ejus praedae profundae libidines devorassent, partim nova quaedam et inaudita luxuries, partim etiam in illis locis, ubi omnia diripuit, emptiones, [partim permutationes] ad hunc Tusculani montem exstruendum; quum jam egeret, quum illa ejus intermissa intolerabilis aedificatio constitisset, se ipsum, fasces suos, exercitum populi Romani, numen interdictumque deorum immortalium, responsa sacerdotum, auctoritatem senatus, jussa populi Romani, nomen ac dignitatem imperii regi Aegyptio vendidit. Quum fines provinciae tantos haberet quantos voluerat, quantos optaverat, quantos mei capitis pretio [periculoque] emerat, iis se tenere non potuit: exercitum eduxit ex Syria. Qui licuit extra provinciam? Praebuit se mercenarium comitem regi Alexandrino. Quid hoc turpius? In Aegyptum venit: signa contulit cum Alexandrinis. Quando hoc bellum aut hic ordo aut populus susceperat? Cepit Alexandriam. Quid aliud exspectamus a furore ejus, nisi ut ad senatum tantis de rebus gestis litteras mittat? Hic si mentis esset suae, nisi poenas patriae diisque immortalibus eas quae gravissimae sunt furore atque insania penderet, ausus esset—mitto exire de provincia, educere exercitum, bellum sua sponte gerere, in regnum injussu populi Romani aut senatus accedere, quae quum plurimae leges veteres, tum lex Cornelia majestatis, Julia de pecuniis repetundis, planissime vetat; sed haec omitto —ille, si non acerrime fureret, auderet, quam provinciam P. Lentulus, amicissimus huic ordini, quum et auctoritate senatus, et

There are several variations in the reading. 'Tusculanum in monte montem,' the reading of P. may be the true reading. He alludes to Gabinius' villa at Tusculum. (Pro Sestio, c. 43; De Domo, c. 47, Vol. iii.)—'intermissa:' 'immensa' M.

interdictumque] The Sibyllini libri forbade the Romans to use an armed force to restore Ptolemaeus Auletes, who had been driven from his country (Cic. Ad Fam. i. 7); but Gabinius did the business for Ptolemaeus, and received a large sum of money for the service. M. Antonius, then a young man, accompanied Gabinius to Egypt, where we may suppose that he first saw the girl who was afterwards the cause of his ruin, Cleopatra, the king's daughter (Plutarch, Anton. c. 3). Gabinius was at Alexandria in B.C. 55 as it seems, or in the latter part of B.C. 56. There is more about this affair in the oration Pro Rabirio Postumo.

auctoritatem senatus, jussa populi] The 'populus' had not made any lex on the subject. Cicero, speaking oratorie, says "Gabinius being in want of money sold every thing, even the decrees of the senate and the leges of the people." Dion Cassius (39, c. 55) speaking of Gabinius restoring Ptolemaeus says: *τοσοῦτον γὰρ αἵ τε δυναστεῖαι καὶ αἱ τῶν χρημάτων περιουσίαι, καὶ παρὰ τὰ ψηφίσματα τά τε τοῦ δήμου καὶ τὰ τῆς βουλῆς ἴσχυσαν, ὥστε ἐπιστείλας μὲν ὁ Πομπήϊος τῷ Γαουϊνίῳ τῆς Συρίας τότε ἄρχοντι, στρατεύσας δὲ ἐκεῖνος, ὁ μὲν τῇ χάριτι, ὁ δὲ τῇ δωροληψίᾳ, καὶ ἄκοντος αὐτὸν τοῦ κοινοῦ κατήγαγον, μηδὲν μήτε ἐκείνου μήτε τῶν τῆς Σιβύλλης χρησμῶν φροντίσαντες.* But we can never make any certain conclusions from Dion's vague assertions.

litteras mittat] Dion (39, c. 55) says that Gabinius did not send despatches after he had entered Alexandria.—'Cornelia majestatis:' one of the Leges enacted in the time of the Dictator Sulla (c. 21).

P. Lentulus] P. Cornelius Lentulus Spinther, consul in B.C. 57, and in B.C. 56 the governor of Cilicia, which he had ob-

sorte haberet, interposita religione sine ulla dubitatione deposuisset, eam sibi asciscere, quum, etiamsi religio non impediret, mos majorum tamen et exempla et gravissimae legum poenae vetarent?

XXII. Et quoniam fortunarum contentionem facere coepimus, de reditu Gabinii omittamus; quem etsi sibi ipse praecidit, ego tamen os ut videam hominis exspecto. Tuum, si placet, reditum cum meo conferamus. Ac meus quidem is fuit ut a Brundisio usque Romam agmen perpetuum totius Italiae viderem. Neque enim regio fuit ulla, neque municipium, neque praefectura aut colonia, ex qua non publice ad me venerint gratulatum. Quid dicam adventus meos? quid effusiones hominum ex oppidis? quid concursus ex agris patrumfamilias cum conjugibus ac liberis? quid eos dies, qui quasi deorum immortalium festi atque sollemnes sunt apud omnes adventu meo redituque celebrati? Unus ille dies mihi quidem immortalitatis instar fuit, quum in patriam redii, quum senatum egressum vidi populumque [Romanum] universum, quum mihi ipsa Roma prope convulsa sedibus suis ad complectendum conservatorem suum procedere visa est. Quae me ita accepit ut non modo omnium generum, aetatum, ordinum omnes viri ac mulieres, omnis fortunae ac loci, sed etiam moenia ipsa viderentur et tecta urbis ac templa laetari. Me consequentibus diebus in ea ipsa domo, qua tu me expuleras, quam expilaras, quam incenderas, pontifices, consules, patres conscripti collocaverunt, mihique, quod ante me nemini, pecunia publica aedificandam domum censuerunt.

Habes reditum meum. Confer nunc vicissim tuum, quandoquidem amisso exercitu nihil incolume domum praeter os illud tuum pristinum rettulisti. Qui primum qua veneris cum laureatis tuis lictoribus quis scit? quos tu Maeandros, dum omnes solitudines persequeris, quae diverticula flexionesque quaesisti? quod te municipium vidit? quis amicus invitavit? quis hospes aspexit? Nonne tibi nox erat pro die? solitudo pro frequentia? caupona pro oppido?

tained as his province by casting lots (sorte) with his colleague Q. Metellus Nepos. A Senatusconsultum empowered him who got the province of Cilicia to restore king Ptolemaeus (Ad Fam. i. 1 and 7). But Lentulus gave up his commission, or did not execute it on account of the religious objections. All the story about the Egyptian king is told in the oration Pro Rabirio Postumo.

22. *os*] His impudent face.—'reditum cum meo.' See the Introduction to the spurious orations (Vol. iii.).

viderem] 'viderit (scil. reditus) V.' Halm. Garatoni conjectured 'viderim.'—'procedere:' 'progredi' V. Halm.

in ea ipsa domo] See the Introduction to the oration De Domo (Vol. iii.).—'quod ante me nemini:' Asconius quotes other instances of houses being built for men at the public cost, as in the case of Valerius Maximus, and some others. He ends however by saying that the case of Cicero's house and of the others whom he mentions, was not quite the same. (See De Harusp. Resp. c. 8, Vol. iii.)

non ut redire ex Macedonia nobilis imperator, sed ut mortuus infamis referri videretur. XXIII. Romam vero ipsam foedavit adventus tuus. O familiae, non dicam Calpurniae, sed Calventiae, neque hujus urbis, sed Placentini municipii, neque paterni generis, sed bracatae cognationis dedecus! quemadmodum venisti? quis tibi, non dicam horum aut civium ceterorum, sed tuorum legatorum obviam venit? Mecum enim L. Flaccus, vir tua legatione indignissimus, atque iis consiliis, quibus mecum in consulatu meo conjunctus fuit ad conservandam rem publicam, dignior, mecum fuit tum quum te quidam non longe a porta cum lictoribus errantem visum esse narraret. Scio item virum fortem in primis, belli ac rei militaris peritum, familiarem meum, Q. Marcium, quorum tu legatorum opera in praelio imperator appellatus eras, quum longe abfuisses, adventu isto tuo domi fuisse otiosum. Sed quid ego numero qui tibi obviam non venerint? cui dico venisse paene neminem, ne de officiosissima quidem natione candidatorum, quum vulgo essent et illo ipso et multis ante diebus admoniti et rogati. Togulae lictoribus ad portam praesto fuerunt, quibus illi acceptis sagula rejecerunt, [et] catervam imperatori suo novam praebuerunt. Sic iste, tanto exercitu, tanta provincia, triennio post Macedonicus imperator in urbem se intulit, ut nullius negotiatoris obscurissimi

23. *Romam vero*] 'Romam vero ipsam, O familiae . . . quem ad modum ingressus est (sic),' Arusianus. The MSS. have the reading in the text. Garatoni observes that 'foedavit adventus tuus' has been added by some man who thought that the sentence was incomplete; and that when this addition had been made, it was consistent to strike out 'ingressus es,' and 'venisti' was put in its place (Halm).

bracatae] He means that his maternal ancestors came from Transalpine Gallia. See Pro Fonteio, c. 15: "Sic dicta est Gallia, quod braccis uteretur, quas nos Brayes appellamus, Germani Brach vel Broch" (Hotmann); and we call them 'breeches.'

L. Flaccus] He took the Allobroges with the letters of the conspirators on them at the Pons Mulvius (In Cat.; and Cicero's speech Pro Flacco).—'Q. Marcium:' Manutius supposes him to be the son of Q. Marcius Rex, who had been consul with L. Metellus (B C. 68). Abrami supposes Cicero to mean Q. Marcius Rex himself, who was Proconsul of Cilicia in B.C. 67. Klotz assumes that he means Q. Marcius Philippus, Proconsul of Asia B.C. 54, to whom two of Cicero's letters (Ad Fam. xiii. 73, 74) are addressed. We know nothing of Q. Philippus' military talent and fame; and Q. Marcius Rex was employed against Catilina (Introd. to the orations against Catilina; Sallust, Cat. 30). If Cicero here means Marcius Rex, he was still living. But a passage is quoted from Cicero's letter to Atticus (i. 16, § 10) as proof that he was dead when that letter was written (B.C. 61). If the Rex spoken of in that letter is Q. Marcius Rex, P. Clodius' brother-in-law, then it is plain that this Rex was dead, and another Marcius is meant here, and it may be Philippus. —'quorum tu:' 'quorum' refers to the two legati, Flaccus and Marcius.—'quum longe abfuisses:' C. has 'quum non' &c.

cui dico] "*quin dico* Ieepius (coll. Somn. Scip. § 15 et Liv. viii. 32) *cui dico* V. *qui dico* C." (Halm, who follows Iecpius).—'natione candidatorum:' see Pro Murena, c. 33.

Togulae] Piso's lictors had togae ready to put on that they might seem to be citizens who had come out to meet him (Manutius). —'iste a tanto exercitu tantae provinciae' (Halm).

reditus umquam fuerit desertior. In quo me tamen, qui esset paratus ad se defendendum, reprehendit. Quum ego Caelimontana [porta] introisse dixissem, sponsione me, Ni Esquilina introisset, homo promptus lacessivit; quasi vero id aut ego scire debuerim aut vestrum quispiam audierit aut ad rem pertineat, qua tu porta introieris, modo ne triumphali; quae porta Macedonicis semper consulibus ante te patuit. Tu inventus es qui consulari imperio praeditus ex Macedonia non triumphares.

XXIV. At audistis, patres conscripti, philosophi vocem. Negavit se triumphi cupidum umquam fuisse. O scelus, o pestis, o labes! Quum exstinguebas senatum, vendebas auctoritatem hujus ordinis, addicebas tribuno plebis consulatum tuum, rem publicam evertebas, prodebas caput et salutem meam [una] mercede provinciae, si triumphum non cupiebas, cujus tandem te rei cupiditate arsisse defendes? Saepe enim vidi, qui et mihi et ceteris cupidiores provinciae viderentur, triumphi nomine tegere atque velare cupiditatem suam. Hoc [modo] D. Silanus consul in hoc ordine, hoc meus etiam collega dicebat. Neque enim quisquam potest exercitum cupere aperteque petere, ut non praetexat cupiditatem triumphi. Quod si te senatus populusque Romanus aut non ap-

Quum ego] 'Cum ego eum,' Halm, but C. omits 'eum.' Faernus established the right reading of this passage as far as 'lacessivit,' by giving the 'antiqua lectio' in place of the 'vulgata.' The 'vulgata' contained 'responsione' in place of 'sponsione.' Cicero had said that the man entered Rome by the Caelimontana, Piso challenged him in the Sponsio, which began with the formal word 'Ni:' "If he had not entered by the Esquiline gate," he would be content to lose the amount named in the Sponsio. As to the nature of the Sponsio, and the formula Ni, see Vol. ii. Index, Sponsio; and Vol. i. Index, Ni.

triumphali] 'A triumphal gate;' that being a triumphal gate under which a triumphant general entered the city (Becker, Handbuch, &c. Vol. i. p. 152); an explanation which saves the trouble of looking for the site of the Porta Triumphalis. The other passages in which a Porta Triumphalis is mentioned, are Tacitus, Ann. i. 8; Suetonius, Aug. 100; and Dion Cassius, 56, c. 42. Becker contends that the passage in Josephus (Bell. Jud. vii. 5) shows that the triumphal gate through which passed Vespasian's and Titus' triumph was a triumphal arch in the Campus Martius. In this passage the meaning is plain without assuming that there was a gate named Triumphalis. "What matters it by what gate you entered, if it was not a triumphal gate?" But Cicero adds 'quae porta,' repeating the word 'porta' emphatically, and this form of expression seems incorrect, if he means that any gate might be a triumphal gate. If there was no Porta called Triumphalis, Cicero must mean to say that there was some gate, whatever it was, through which all triumphant generals passed. The common explanation is, that there was such a gate, and that it was between the Flumentana and Carmentalis, and was opened only for those who triumphed. Becker's arguments may be examined by those who are curious about the matter.

24. *addicebas*] See Pro Flacco, c. 20, note. —'[una] mercede:'. "*mercede* V. pr. m.: *una mercede* V. sup. lin. C." (Halm), who omits 'una.' Faernus thought that it was out of place. It may mean the same as 'sola mercede,' as Graevius remarks.— 'defendes:' 'affirm,' 'maintain.'—'velare:' 'celare' V. Halm.—'ut non praetexat:' 'without making the desire of a triumph his excuse.'

petentem aut etiam recusantem bellum suscipere, exercitum ducere coegisset, tamen erat angusti animi atque demissi justi triumphi honorem dignitatemque contemnere. Nam ut levitatis est inanem aucupari rumorem et omnes umbras etiam falsae gloriae consectari, sic est animi lucem splendoremque fugientis justam gloriam, qui est fructus verae virtutis honestissimus, repudiare. Quum vero non modo non postulante atque cogente, sed invito atque oppresso senatu, non modo nullo populi Romani studio, sed nullo ferente suffragium libero, provincia tibi ista manupretium fuerit non eversae per te sed perditae civitatis, quumque omnium tuorum scelerum haec pactio exstiterit, ut, si tu totam rem publicam nefariis latronibus tradidisses, Macedonia tibi ob eam rem quibus tu finibus velles redderetur; quum exhauriebas aerarium; quum orbabas Italiam juventute; quum mare vastissimum hieme transibas; si triumphum contemnebas, quae te, praedo amentissime, nisi praedae ac rapinarum cupiditas tam caeca rapiebat? Non est integrum Cn. Pompeio consilio jam uti tuo. Erravit enim. Non gustarat istam tuam philosophiam. Ter jam homo stultus triumphavit. Crasse, pudet me tui. Quid est, quod, confecto per te formidolosissimo bello, coronam illam lauream tibi tanto opere decerni volueris a senatu? P. Servili, Q. Metelle, C. Curio, L. Afrani, cur

sic est animi] Lambinus, Halm. The MSS. have 'sic levis est,' except V. which has 'sic est levis animis;' but the opposition is between 'levitatis' and 'animi lucem fugientis.' (Wunder, Var. Lect. p. liv, who approves of omitting 'levis,' has some remarks on this passage.) Madvig also declares 'levis' to be an interpolation. There is no harm done by leaving it. Whether it should be left out, is not quite so certain as the critics suppose. But argumentation on the readings, founded on a consideration of logical and oratorical propriety, leads to tedious notes, for such arguments cannot generally be put in few words.—'manupretium fuerit eversae per te et perditae:' Faernus. The word 'manupretium' is explained (Verr. ii. 1, c. 56).—'redderetur:' 'traderetur' Faernus, Halm. The common reading is 'redderetur,' but V. has 'utraderetur,' which is 'traderetur.' But perhaps 'redderetur' is right, for it represents what Piso got for selling the state.

orbabas Italiam] Comp. De Prov. Cons. c. 3, "superbissimo delectu."—'transibas:' V. has 'transiebas.' The 'mare vastissimum,' which is the narrow sea between Brundisium and Dyrrachium, was 'vastum,' 'deserted' in winter.—'tam caeca:' Abrami suggests 'jam caeca,' which may be right.

Non est integrum] 'It is not now in his power;' he could not undo what he had done: he had enjoyed three triumphs.—'formidolosissimo bello:' the war with Spartacus' gladiators, which M. Crassus finished. He had an ovation for his victory, and a crown of bay (Plutarch, Crassus, c. 11; Gellius, v. 6); though a crown of myrtle was worn in ovations. But Crassus refused the myrtle crown, and the senate granted him a crown of bay. (See Pliny, xv. c. 19.) P. Servilius Isauricus, who defeated the pirates, Metellus, who conquered Crete, and others who are present are addressed.

L. Afrani] 'luci afrane' V. 'P. Africane' C. 'P. Africanus' is clearly a blunder. He had died long ago. Manutius, suggested 'L. Afrani,' but he remarks that no triumph of Afranius is mentioned.—'Pomptinus:' he was a praetor in B.C. 63, and afterwards governor of Gallia Provincia. At this time he was waiting for his triumph over the Allobroges, which he had in the next year (B.C. 54). So long did his enemies keep from him the honour of which he was ambitious. Perhaps the 'religionibus

non hunc audistis tam doctum hominem, tam eruditum, prius quam in istum errorem induceremini? C. ipsi Pomptino, necessario meo, jam non est integrum; religionibus enim susceptis impeditur. O stultos Camillos, Curios, Fabricios, Calatinos, Scipiones, Marcellos, Maximos! o amentem Paullum! rusticum Marium! nullius consilii patres horum amborum consulum, qui triumpharunt!

XXV. Sed quoniam praeterita mutare non possumus, quid cessat hic homullus, ex argilla et luto fictus Epicurus, dare haec praeclara praecepta sapientiae clarissimo et summo imperatori, genero suo? Fertur ille vir, mihi crede, gloria: flagrat, ardet cupiditate justi et magni triumphi. Non didicit eadem ista quae tu. Mitte ad eum libellum; et si jam ipse coram congredi poteris, meditare quibus verbis incensam illius cupiditatem comprimas atque restinguas. Valebis apud hominem volitantem gloriae cupiditate, vir moderatus et constans, apud indoctum eruditus, apud generum socer. Dices enim, ut es homo facetus ad persuadendum, concinnus, perfectus, politus e schola: Quid est, Caesar, quod te supplicationes toties [jam] decretae, tot dierum tanto opere delectent? in quibus homines errore ducuntur, quas dii negligunt, qui, ut noster ille divinus dixit Epicurus, neque propitii cuiquam esse solent neque irati.—Non facies fidem scilicet, quum haec disputabis; tibi enim et esse et fuisse videbit iratos. Vertes te ad alteram scholam; dis-

susceptis' means that having claimed a triumph, he could not recede from his demand.

It is unnecessary to follow some of the commentators through the list of Camilli and others. He who reads Cicero becomes familiar with all these names, and perhaps gets tired of them.

horum amborum] The consuls Cn. Pompeius and M. Crassus. The father of Cn. Pompeius had a triumph over the Picentes; and Crassus' father had a triumph over the Hispani (Asconius).

25. *genero suo*] C. Caesar, now in Gallia (B.C. 55). In this year Caesar crossed the Rhine, and made his first invasion of Britain.—'facetus:' Codd. A. Augustinus altered it to 'factus,' which Halm has.

divinus] The 'divinus Epicurus' is called a 'deus' by Lucretius. It is a strange title to give to a man who did not believe in superhuman powers. Lucretius places the gods in perfect tranquillity, and says they want nothing from us, and man can get nothing from them. They are altogether useless:

"Nam privata dolore omni, privata periclis,
Ipsa suis pollens opibus, nihil indiga nostri,
Nec bene promeritis capitur neque tangitur ira." (ii. 649.)

This is from Epicurus, one of his κύριαι δόξαι: "Quod beatum et immortale est, id nec habet nec exhibet cuiquam negotium." It was said that Epicurus "ne in offensionem Atheniensium caderet, verbis reliquisse deos, re sustulisse" (Cic. De Nat. Deor. i. c. 30). See Hor. Sat. i. 5, v. 101.

Non facies fidem] 'You will not convince him.'—'videbit:' the common reading is 'deos videbit;' but V. omits 'deos.'

ad alteram scholam] 'Schola' sometimes means a 'sect;' but here he means, as the words show, that Piso now takes 'the other argument,' the vanity of a triumph.—'simulacra oppidorum:' representations of conquered towns, made of ivory, or other material, were carried in the triumphal processions (Livy, 37, c. 59): "L. Scipio Asiaticus

seres de triumpho: Quid tandem habet iste currus? quid vincti ante currum duces? quid simulacra oppidorum? quid aurum? quid argentum? quid legati in equis, et tribuni? quid clamor militum? quid tota illa pompa? Inania sunt ista, mihi crede, delectamenta paene puerorum, captare plausus, vehi per urbem, conspici velle. Quibus ex rebus nihil est quod solidum tenere, nihil quod referre ad voluptatem corporis possis. Quin tu me vides, qui, ex qua provincia T. Flamininus, L. Paullus, Q. Metellus, T. Didius, innumerabiles alii, levi cupiditate commoti triumpharunt, ex ea sic redii ut ad portam Esquilinam Macedonicam lauream conculcarim, ipse cum hominibus quindecim male vestitis ad portam Caelimontanam sitiens pervenerim; quo in loco mihi libertus praeclaro imperatori domum ex hac die biduo ante conduxerat, quae vacua si non fuisset, in campo Martio mihi tabernaculum collocassem. Nummus interea mihi, Caesar, neglectis ferculis triumphalibus domi manet et manebit. Rationes ad aerarium continuo, sicut lex tua jubebat, detuli, neque alia ulla in re legi tuae parui. Quas rationes si cognoris, intelliges nemini plus quam mihi litteras profuisse. Ita enim sunt perscriptae scite et litterate, ut scriba, ad aerarium qui eas rettulit, perscriptis rationibus, secum ipse, caput sinistra manu perfricans, commurmuratus sit,

Ratio quidem hercle apparet, argentum οἴχεται.—

tulit in triumpho . . . oppidorum simulacra centum triginta quatuor."

Flamininus] '*Flaminius* Codd. plerique' (Halm); but Cicero is speaking of T. Quinctius Flamininus, one of those who had triumphed for their Macedonian victories.

Esquilinam] Here he trampled on his bays (laurea) gained in Macedonia, where he had been saluted as Imperator; and then he went to his lodging near the Caelimontana: on which Manutius observes that Piso entered by the Esquilina and then went to the other gate. Cicero does not make the man say that he entered by the Esquilina.

ex hac die biduo ante] A house or lodging hired two days before his entering the city, and the rent to be reckoned from the day of his entry. All this dull talk is to show what a mean fellow Piso was. But he was a prudent man if he did not hire a house before he wanted it.

ferculis] T. V. 'vehiculis' C. 'Fercula' are wooden frames on which things were carried in the triumphal processions. The gold and silver taken from the enemy were displayed on these 'fercula.' Piso says that he kept his money at home. Caesar's Lex contained regulations about the accounts being given in to the treasury by a governor on returning from his province. —'detuli:' V. Halm. 'retuli,' Codd. rell.

litteras] 'letters,' and 'literature.' He is playing on the word.—'ad aerarium:' the scriba who carried them to the treasury. The words 'perscriptis rationibus' are not easily explained, and it has been proposed to erase them, to which one would not object, if any probable explanation could be given of their appearance in the text, when they ought not to be there.

The only part of this imaginary speech in which there is any humour, is the picture of the scriba who, after looking over the accounts, scratches his head and says, The reckoning is indeed plain enough, but the money is gone. The line is from Plautus' Trinummus (ii. 4. 17). V. S. have 'argentum oechete,' the word οἴχεται being represented by Roman characters. In an old edition of Plautus (Venice, 1495) the verse stands: "ratio quidem hercle apparet Argentum oechete."

Hac tu oratione non dubito quin illum jam escendentem in currum revocare possis. XXVI. O tenebrae, lutum, sordes, o paterni generis oblite, materni vix memor! ita nescio quid istuc fractum, humile, demissum, sordidum, inferius etiam est quam ut Mediolanensi praecone avo tuo dignum esse videatur. L. Crassus, homo sapientissimus nostrae civitatis, spiculis prope scrutatus est Alpes, ut, ubi hostis non erat, ibi triumphi caussam aliquam quaereret: eadem cupiditate vir summo ingenio praeditus C. Cotta nullo certo hoste flagravit. Eorum neuter triumphavit; quod alteri illum honorem collega, alteri mors praeripuit. Irrisa est abs te paullo ante M. Pisonis cupiditas triumphandi, a qua te longe dixisti abhorrere: qui etiamsi minus magnum bellum gesserat, ut abs te dictum est, tamen istum honorem contemnendum non putavit. Tu, eruditior quam Piso, prudentior quam Cotta, abundantior consilio, ingenio, sapientia quam Crassus, ea contemnis, quae illi idiotae, ut tu appellas, praeclara duxerunt. Quod si reprehendis, quod cupidi

26. *paterni*] On his father's side he belonged to the noble family of the Calpurnii; on his mother's side he was of Gallic descent. Here he says that Piso's maternal grandfather had been a praeco or crier at Mediolanum (Milan), though we have been told that this Gaul Calventius settled at Placentia. Manutius explains this, but his explanation is not worth any thing.

L. Crassus] The great orator. His colleague Q. Scaevola the Pontifex prevented Crassus from having a triumph which he demanded for destroying some robbers and marauders in Gallia Citerior. C. Cotta is the orator, the contemporary of P. Sulpicius, both of whom are speakers in Cicero's De Oratore. The senate had granted him a triumph, but he died before the day came from the effects of an old wound (Asconius). The story about Crassus destroying the robbers is in the De Inventione (ii. c. 7).

In place of 'spiculis' G. has 'speculis' and V. has 'peculiis.' Madvig says that the 'lepos' of the passage is obscured in the common text. "Non *prope* scrutatus est Crassus Alpes, sed plane perscrutatus; inepte autem additur in hac communi scrutandi significatione et imagine instrumenti nomen; nam neque vere instrumento hujus modi ulla scrutatio facta est, et tamen si facta esset, quo alio instrumento imperator et milites uterentur nisi hastis? In cod. Vat. scriptam exstat *peculiis* (*civitatis peculiis*). Cicero scripserat: 'specillis prope scrutatus est, ut *prope* pertineat ad totum hoc *specillis scrutari*. Lepide enim Cicero Crassum non minus prope diligenter Alpes scrutatum esse dicit quam medici specillis vulnera scrutantur et num quid lateat, tentent (*fast mit Sonden durchgesucht*)." (Madvig cited by Halm, Addend. et Corrig.) Cicero might I suppose have written 'specillis' if he liked. A 'specillum' is a probing instrument. Cicero does not say 'spiculis plane perscrutatus,' but 'prope,' because the Alps could not literally be examined like the holes and corners in a house. Nor is the addition of 'spiculis' inept, because no 'scrutatio' was really made with an instrument of this kind. A real 'scrutatio' may be made with a spear, or a sword, or a pole, according to the circumstances, as well as with a small instrument called a 'specillum;' and as this 'scrutatio' was not really made with 'specilla' nor with 'spicula,' the objection to one word is an objection to both. If a 'scrutatio' was made, he asks what else could the soldiers use than their spears? The implied conclusion is that 'spiculis' is superfluous and absurd. The answer to this is easy. Soldiers don't use 'spicula' for scrutation; they use them for fighting. If they are said to use 'spicula' for scrutation, for finding out their enemies' lurking-places, the addition of 'spicula' shows their eagerness in the search.

M. Pisonis] M. Pupius Piso Calpurnianus, who had a triumph for his victories in Spain, where he was propraetor. This Piso "maxime ex omnibus qui ante fuerunt Graecis doctrinis eruditus fuit" (Brutus, c. 67).

idiotae] See Vol. i. Index, Idiota.

coronae laureae fuerint, quum bella aut parva aut nulla gessissent, tu tantis nationibus subactis, tantis rebus gestis, minime fructum laborum tuorum, praemia periculorum, virtutis insignia contemnere debuisti. Neque vero contempsisti, sis licet Themista sapientior; sed os tuum ferreum senatus convicio verberari noluisti.

Jam vides, quoniam quidem ita mihimet fui inimicus, ut me tecum compararem, et digressum meum et absentiam et reditum ita longe tuo praestitisse, ut mihi illa omnia immortalem gloriam dederint, tibi sempiternam turpitudinem inflixerint. Num etiam in hac quotidiana assidua urbanaque vita splendorem tuum, gratiam, celebritatem domesticam, operam forensem, consilium, auxilium, auctoritatem, sententiam senatoriam nobis aut, ut verius dicam, cuiquam es infimo ac desperatissimo antelaturus?

XXVII. Age, senatus odit te, quod eum tu facere jure concedis, afflictorem ac perditorem non modo dignitatis et auctoritatis, sed omnino ordinis ac nominis sui: videre equites Romani non possunt, quo ex ordine vir praestantissimus et ornatissimus, L. Aelius, est te consule relegatus: plebs Romana perditum cupit, in cujus tu infamiam ea quae per latrones et per servos de me egeras contulisti: Italia cuncta exsecratur, cujus idem tu superbissime decreta et preces repudiasti. Fac hujus odii tanti ac tam universi periculum, si audes. Instant post hominum memoriam apparatissimi magnificentissimique ludi, quales non modo numquam fuerunt, sed ne quo modo fieri quidem posthac possint possum ullo pacto suspicari. Da te populo, committe ludis. Sibilum metuis? ubi sunt vestrae scholae? Ne acclametur [times]? ne id quidem est curare philosophi. Manus tibi ne afferantur? Dolor enim est malum, ut tu disputas: existimatio, dedecus, infamia, turpitudo verba sunt atque ineptiae. Sed de hoc non dubito: non audebit accedere ad ludos.

Themista] There was a woman named Themista a follower of Epicurus. It is, says Lambinus, a bitter joke for Cicero to compare Piso's philosophical knowledge with that of a woman who belonged to the same school.

celebritatem domesticam] 'The respect paid by those who call on you,' or something of the kind, for we have no direct way of translating it. 'Sententiam senatoriam,' 'his wisdom in giving his opinion in the senate.'—'desperatissimo' Codd. 'despicatissimo' Lambinus, Halm.

27. *L. Aelius*] Lamia, who was sent out of Rome by Gabinius (Pro Sestio, c. 12).

apparatissimi ... ludi] The Ludi of Pompeius, which were celebrated when he dedicated his theatre, B.C. 55. This was the first occasion on which an elephant fight was exhibited in the circus (Asconius). Cicero writing to Marius about these Ludi (Ad Fam. vii. 1) says: "Omnino, si quaeris, ludi apparatissimi, sed non tui stomachi; conjecturam enim facio de meo." Cicero expresses his disgust at the fights of men and beasts. Plutarch (Pomp. c. 52) says that five hundred lions were killed at these Ludi, which is an incredible number. He also speaks of the elephant fight, which Cicero mentions in his letter. The one-horned rhinoceros also appeared at the Ludi (Plin. viii. c. 19, 20).

Convivium publicum non dignitatis caussa inibit,—nisi forte ut cum patribus conscriptis, hoc est cum amatoribus suis caenet—sed plane animi sui caussa: ludos nobis idiotis relinquet. Solet enim in disputationibus suis oculorum et aurium delectationi abdominis voluptates anteferre. Nam quod vobis iste tantummodo improbus, crudelis, olim furunculus, nunc vero etiam rapax, quod sordidus, quod contumax, quod superbus, quod fallax, quod perfidiosus, quod impudens, quod audax esse videatur, nihil scitote esse luxuriosius, nihil libidinosius, nihil posterius, nihil nequius. Luxuriam autem nolite in isto hanc cogitare; est enim quaedam, quamquam omnis est vitiosa atque turpis, tamen ingenuo ac libero dignior. Nihil apud hunc lautum, nihil elegans, nihil exquisitum—laudabo inimicum;—cui ne magno opere quidem quidquam praeter libidines sumptuosum. Toreuma nullum, maximi calices, et ii, ne contemnere suos videatur, Placentini; exstructa mensa, non conchyliis aut piscibus, sed multa carne subrancida. Servi sordidati ministrant, nonnulli etiam senes; idem coquus, idem atriensis; pistor domi nullus, nulla cella; panis et vinum a propola atque de cupa: Graeci stipati, quini in lectulis, saepe plures; ipse solus; bibitur usque eo dum de solio ministretur.

amatoribus] V. 'majoribus' T. C. Some editions have 'amoribus.'—'animi sui caussa:' 'for his enjoyment.' See Pro Sex. Rosc. Am. c. 46.

esse videatur] 'videtur,' Madvig.—'posterius:' "'proterbius' V. 'posterius' C. et T. ut videtur" (Halm), who has 'protervius.' See De Prov. Cons. c. 4.

ne magno opere quidem] '*cui ne* V. *ne* C.' (Halm), who has 'quin ne magno,' &c.—'toreuma:' see Verr. ii. 2, c. 52, and the note.—'conchyliis:' shell-fish and fish were the delicacies of the rich. Piso's table was loaded with heavy pieces of meat, somewhat tainted. The man was waited on by dirty slaves, some even old. A man of rank and taste would have young and handsome slaves. But if Piso had happened to have such slaves, we should have had another kind of imputation made against him. The same man was cook, and served in the atrium or entrance-hall, though Cicero does not say how the cook looked after his kitchen and the hall-door at the same time. Piso had neither a bread-maker nor a wine cellar. His bread he got from the baker's shop, and his wine from the tavern-keeper, as some explain 'cupa.' (Hor. Sat. ii. 2, 123, ed. Macleane.) The MSS. reading is 'propula' and 'propala,' for which Manutius wrote 'propola.' 'Cupa' is perhaps the same as 'Copa,' as in Virgil,

"Copa Syrisca fuit Graia redimita mitella."

But the interpreters do not agree about the meaning of 'de cupa,' which some suppose to signify 'from a cupa or large vessel.' He got a barrel when he wanted it, and kept no cellar. Piso managed his house economically, and if he chose to do so, what was that to any body?

Graeci stipati] He packed his Greeks close, five on a couch instead of the usual number three. This shows Piso's hospitality. He wished to entertain as many of his friends as he could. But Piso had a whole sofa to himself. That was not fair: he should have shared it with others; and here we must blame him. He is like the man in Juvenal (i. 135), quoted by Abrami:

"Optima silvarum interea pelagique vorabit
Rex horum vacuisque toris tantum ipse
jacebit."

—'bibitur . . . ministretur:' there is something wrong here. Ant. Augustinus would write 'de dolio,' which, says Ursini, is not to be tolerated, for after he has said 'de cupa' how could he say 'de dolio?' I don't see why he could not. The joke with which Cicero concludes is pitiable. He hears the 'gallus' crow, and thinks his grandfather the 'Gallus,' the 'praeco,' is come to life again.

Ubi galli cantum audivit, avum suum revixisse putat: mensam tolli jubet.

XXVIII. Dicet aliquis: Unde haec tibi nota sunt? Non me hercules contumeliae caussa describam quemquam, praesertim ingeniosum hominem atque eruditum, cui generi esse ego iratus, ne si cupiam quidem, possum. Est quidam Graecus, qui cum isto vivit, homo, vere ut dicam, sic enim cognovi, humanus, sed tamdiu quamdiu cum aliis est aut ipse secum. Is quum istum adolescentem jam tum [cum] hac dis irata fronte vidisset, non fastidivit ejus amicitiam, quum esset praesertim appetitus; dedit se in consuetudinem, sic ut prorsus una viveret, nec fere umquam ab eo discederet. Non apud indoctos, sed, ut ego arbitror, in hominum eruditissimorum et humanissimorum coetu loquor. Audistis profecto dici, philosophos Epicureos omnes res quae sunt homini expetendae voluptate metiri. Rectene an secus, nihil ad nos; aut si ad nos, nihil ad hoc tempus: sed tamen lubricum genus orationis adolescenti non acriter intelligenti est saepe praeceps. Itaque admissarius iste simul atque audivit voluptatem a philosopho tanto opere laudari, nihil expiscatus est: sic suos sensus voluptarios omnes incitavit, sic ad illius hanc orationem adhinniit, ut non magistrum virtutis, sed auctorem libidinis a se illum inventum arbitraretur. Graecus primo distinguere atque dividere illa quemadmodum dicerentur: iste claudus,

28. *Dicet aliquis*] So the reader must have thought before he came to these words. How did Cicero know all the secrets of Piso's house? In fact he does not tell us directly, but we assume that the Greek, like a true Greek, ate his patron's dinner and exposed him, and Cicero listened to his scandal and circulated it with his malignant tongue.

possum] Garatoni conjectured 'possim.' Halm refers to several passages in the Verrine orations, ii. 4, cc. 7, 9, 41, 51.

Est quidam Graecus] Philodemus, who was a distinguished Epicurean of that age, and wrote amatory or obscene poems (Asconius). Strabo says he was of Gadara, a town of Peraea in Palestine. Diogenes mentions him in his life of Epicurus, and Cicero (De Fin. ii. 35) calls him a most excellent man. There are some epigrams in the collection called the Anthologia, which are assigned to Philodemus. Most of them are of a kind which would please Piso, and perhaps Cicero too.

ab eo discederet] 'ab isto umquam discederet,' C. This denotes a close intimacy: "ut quoad possem et liceret a senis latere nunquam discederem" (Cicero, De Am. c. 1).

Rectene an secus] Garatoni, Halm; 'recteneant' V. 'recte nam' E. 'recte an' F. S.—'lubricum . . . praeceps:' he has two metaphors, 'slippery' and 'steep' or 'precipitous.' The reader may exercise himself in making an English version, in which he will perhaps not succeed the first time.

admissarius . . . adhinniit] He neighed like a stallion. "Maxime itaque curandum est praedicto tempore anni ut tam faeminis quam admissariis desiderantibus coeundi fiat potestas" (Colum. ii. 27). 'Admissarius,' 'admissura,' 'admittere,' are all used in this sense in the writers on agriculture. The stallion 'fished out nothing,' which is supposed to mean that he took no pains to inquire. It is a monstrous combination of metaphors.

distinguere] The Greek after having taught him that the pursuit of pleasure was the true thing, began to "distinguish and to divide," to show him that there were more ways than one of viewing pleasure. Piso, like a lame man, kept the ball. He did not give up what he had received. This is a proverb.

quem ad modum aiunt, pilam: retinere quod acceperat, testificari, tabellas obsignare velle, Epicurum disertum dicere; est tamen: dicit, ut opinor, se nullum bonum intelligere posse demptis corporis voluptatibus. Quid multa? Graecus facilis et valde venustus nimis pugnax contra senatorem populi Romani esse noluit. XXIX. Est autem hic, de quo loquor, non philosophia solum, sed etiam litteris, quod fere ceteros Epicureos negligere dicunt, perpolitus. Poema porro facit ita festivum, ita concinnum, ita elegans, nihil ut fieri possit argutius. In quo reprehendat eum licet si qui volet, modo leviter, non ut impurum, non ut improbum, non ut audacem, sed ut Graeculum, ut assentatorem, ut poetam. Devenit autem seu potius incidit in istum, eodem deceptus supercilio Graecus atque advena quo tot sapientes et tanta civitas. Revocare se non poterat familiaritate implicatus, et simul inconstantiae famam verebatur. Rogatus, invitatus, coactus, ita multa ad istum de isto quoque scripsit, ut omnes libidines, omnia stupra, omnia

tabellas obsignare] He acted like a man who wished to have evidence recorded: he appealed to the witnesses who had heard what the philosopher said, he would have it taken down and put under seal; he said that Epicurus spoke plain enough, and his words wanted no confirmation: and he is (est tamen). Halm writes 'Epicurum desertum dicere; etenim dicit' following Madvig. "Piso Epicurum desertum clamabat ab iis, qui dogma de corporis voluptate tenerent." (Halm.) Perhaps the text is not right; and 'etenim' in place of 'est tamen' is clearer; for Cicero means Epicurus when he says "dicit, ut opinor" &c., 'ut opinor' not expressing any doubt.

The Greek philosophers were always disputing about pleasure. It was a war of words, for pleasure has many meanings. Gellius (ix. 5) says: "De voluptate veteres philosophi diversas sententias dixerunt. Epicurus voluptatem summum bonum esse ponit; eam tamen ita definit: σαρκὸς εὐσταθὲς κατάστημα:" which expresses about the same thing that Metrodorus the Epicurean said: "Metrodorus quidem perfecte eum putat beatum cui corpus bene constitutum sit et exploratum ita semper fore. Quis autem est iste cui id exploratum esse possit?" There are numerous passages about Epicurus in Cicero, and in some of them the opinions of Epicurus are clearly stated, as they ought to be, for Cicero says that Epicurus expressed what he meant and speaks plain enough to be understood (De Fin. i. 5; ii. 5). But when we only know a man's doctrines from such short unconnected notices as Cicero gives of Epicurus, it is impossible to come to any just conclusions. The chief passages about Epicurus are contained in the Historia Philosophiae by Ritter and Preller. The Latin word 'voluptas' is the exact equivalent to the Greek ἡδονή (De Fin. ii. 4).

29. *de isto quoque*] V. has 'quoque.' The Greek wrote poetry about other things and about Piso too (isto quoque), all his pleasures and even his amours with married women. Cicero knew these poems, or he could not have said that he would have read them except for fear that they might not be suitable to the place in which he was speaking. He leaves us to infer, I suppose (in quibus . . . intueri), that he learned the particulars of Piso's life from these poems; but he could not learn from them that Piso's table was loaded with tainted meat. Philodemus must have betrayed the secrets of Piso's house to Piso's greatest enemy.

He says, "In these verses any man who chooses may look into Piso's life as into a mirror." But a man who looks into a mirror sees only himself. In Terence the use of the mirror is proper (Adelph. iii. 3. v. 61):

"Inspicere tamquam in speculum in vitas omnium
Jubeo atque ex aliis sumere exemplum tibi."

Look on the lives of others as into a mirror, and you will see what you may be yourself.

caenarum conviviorumque genera, adulteria denique ejus, delicatissimis versibus expresserit. In quibus si qui velit possit istius tamquam in speculo vitam intueri; ex quibus multa a multis lecta et audita recitarem, ni vererer ne hoc ipsum genus orationis quo nunc utor ab hujus loci more abhorreret; et simul de ipso qui scripsit detrahi nolo. Qui si fuisset in discipulo comparando meliore fortuna, fortasse austerior et gravior esse potuisset; sed eum casus in hanc consuetudinem scribendi induxit philosopho valde indignam, siquidem philosophia, ut fertur, virtutis continet et officii et bene vivendi disciplinam; quam qui profitetur gravissimam mihi sustinere personam videtur. Sed idem casus illum ignarum quid profiteretur, quum se philosophum esse diceret, istius impurissimae atque intemperantissimae pecudis coeno et sordibus inquinavit. Qui modo quum res gestas consulatus mei collaudasset—quae quidem laudatio hominis turpissimi mihi ipsi erat paene turpis—"non illa tibi," inquit, "invidia nocuit, sed versus tui."—Nimis magna poena te consule constituta est sive malo poetae sive libero.—"Scripsisti enim: cedant arma togae."—Quid tum? "Haec res tibi fluctus illos excitavit." At hoc nusquam opinor scriptum fuisse in illo elogio, quod te consule in sepulcro rei publicae incisum est, "velitis jubeatis, ut, quod M. Cicero versum fecerit:" sed, "quod vindicarit."

XXX. Verum tamen, quoniam te non Aristarchum, sed Phalarim grammaticum habemus, qui non notam apponas ad malum versum, sed poetam armis persequare, scire cupio quid

philosophum] The man, it seems, was by profession a philosopher, not knowing what it was that he professed; by necessity, a scribbler of obscene verses which Cicero read.—'laudatio:' 'collaudatio' V., Halm.

Qui modo] Piso, the 'pecus,' which was a term of reproach, as we might call a man a beast. The beast had made honourable mention of Cicero's consulship, and said that it was not that unpopularity (illa invidia) which did him damage, but his verses. In place of 'illa' E. G. M. S. have 'ulla.' Cicero says the punishment that he suffered was too much either for a bad poet or a free man. Piso is supposed to continue what he had begun, 'scripsisti enim,' &c.

Cicero finally says, "But this I think was never written in that inscription (elogium) which in your consulship was cut on the tomb of the state: 'Velitis jubeatis . . quod versum fecerit,' but 'quod vindicarit.'" See Vol. ii. Index, Elogium, where 'elogium' is explained. The 'elogium' is Clodius' Lex, by which the interdict was passed against Cicero in B.C. 58, the year of Piso's consulship; and 'Velitis jubeatis' is the beginning of the usual formula in enacting a Lex. Manutius thinks that Clodius did not use the words 'quod vindicarit' in his Lex; and nobody will suppose that he did. Cicero uses a term which expresses the reason for which he was banished, and at the same time expresses a fact which he did not wish to deny, that he had punished the conspirators.

30. *Aristarchus*] This grammarian marked with an obelisk those verses of Homer which he judged to be spurious. Cicero says (Ad Fam. iii. 11): "ut enim Aristarchus Homeri versum negat quem non probat," &c. His name became proverbial: "Fiet Aristarchus" (Horace, Ars Poet. 450).—'summum imperatorem:' Cn. Pompeius, I think, as Hotmann says, and not C. Caesar, which is Manutius' opinion.

tandem in isto versu reprehendas: "cedant arma togae." "Tuae dicis," inquit, "togae summum imperatorem esse cessurum." Quid nunc te, asine, litteras doceam? Non opus est verbis, sed fustibus. Non dixi hanc togam qua sum amictus, nec arma, scutum aut gladium unius imperatoris; sed quia pacis est insigne et otii toga, contra autem arma tumultus atque belli, poetarum more locutus hoc intelligi volui, bellum ac tumultum paci atque otio concessurum. Quaere ex familiari tuo, Graeco illo poeta: probabit genus ipsum et agnoscet, neque te nihil sapere mirabitur. At in altero illo, inquit, haeres: "concedat laurea laudi." Immo mehercule, habeo tibi gratiam. Haererem enim, nisi tu me expedisses. Nam quum tu timidus ac tremens tuis ipse furacissimis manibus detractam e cruentis fascibus lauream ad portam Esquilinam abjecisti, judicasti non modo amplissimae, sed etiam minimae laudi lauream concessisse. Atque ista oratione hoc tamen intelligi, scelerate, vis, Pompeium inimicum mihi isto versu esse factum; ut, si versus mihi nocuerit, ab eo quem is versus offenderit videatur mihi pernicies esse quaesita. Omitto nihil istum versum pertinuisse ad illum: non fuisse meum, quem quantum potuissem multis saepe orationibus scriptisque decorassem, hunc uno violare versu. Sed sit offensus primo. Nonne compensabit cum uno versiculo tot mea volumina laudum suarum? Quod si est commotus—ad perniciemne, non dicam amicissimi, non ita de sua laude meriti, non ita de re publica, non consularis, non senatoris, non civis, non liberi—in hominis caput ille tam crudelis propter versum fuisset?

XXXI. Tu quid, tu apud quos, tu de quo dicas, intelligis?

laurea laudi] In the passage in the De Officiis, i. 22, the verse stands thus in some editions:

"Cedant arma togae, concedat laurea linguae."

Some editions, however, have 'laudi' in this passage. There is MSS. authority both for 'laudi' and 'linguae.' In Quintilian (xi. 1) the reading is 'linguae.' The passage in Plutarch's Life of Cicero quoted by Lambinus appears to be in favour of 'linguae;' for Plutarch makes Cicero say *ὡς τὰ ὅπλα ἔδει τῇ τηβέννῳ καὶ τῇ γλώττῃ τὴν θριαμβικὴν ὑπείκειν δάφνην.* In the passage in Pliny (vii. c. 30) we read "Salve primus omnium Parens Patriae appellate, primus in toga triumphum linguaeque lauream merite."

judicasti] 'iudicasti' E. S.; the other reading is 'indicasti,' which Halm has.

Nonne compensabit] "Will he not set off against one poor verse so many volumes (in the Roman sense) that I have written in praise of him?" 'Compensare' is a technical term. 'Compensatio' is what our lawyers elegantly call 'set-off,' and the Scotch lawyers call 'compensation.' When one man sues another, if the person who is sued has a demand against the plaintiff, he can in some cases set one account against the other, and offer to pay the difference (Dig. 16, tit. 2). Madvig argues that Cicero wrote 'compensabat,' for he must be referring to the time when Pompeius read the verse in Asia. Halm (Addenda, &c.) suggests that we should point the words as in the text, instead of the common way, which is this: 'Sed sit offensus. Primo nonne,' &c. This change is an improvement, and shows that 'compensabat' will not do.

Complecti vis amplissimos viros ad tuum et Gabinii scelus; neque id occulte. Nam paullo ante dixisti me cum iis confligere quos despicerem; non attingere eos, qui plus possent, quibus iratus esse deberem. Quorum quidem—quis enim non intelligit quos dicas?—quamquam non est una caussa omnium, tamen est omnium mihi probata. Me Cn. Pompeius, multis obsistentibus ejus erga me studio atque amori, semper dilexit, semper sua conjunctione dignissimum judicavit, semper non modo incolumem, sed etiam amplissimum atque ornatissimum voluit esse. Vestrae fraudes, vestrum scelus, vestrae criminationes insidiarum mearum, illius periculorum, nefarie fictae, simul eorum, qui familiaritatis licentia suorum improbissimorum sermonum domicilium in auribus ejus impulsu vestro collocarant, [vestrae cupiditates provinciarum effecerunt,] ut ego excluderer, omnesque qui me, qui illius gloriam, qui rem publicam salvam esse cupiebant, sermone atque aditu prohiberentur; quibus rebus est perfectum ut illi plane suo stare judicio non liceret, quum certi homines non studium ejus a me alienassent, sed auxilium retardassent. Nonne ad te L. Lentulus, qui tum erat praetor, non Q. Sanga, non L. Torquatus pater, non M. Lucullus venit? qui omnes ad eum, multique mortales oratum in Albanum obsecratumque venerant, ut ne meas fortunas desereret cum rei publicae salute conjunctas. Quos ille ad te et ad tuum collegam remisit, ut caussam publicam susciperetis, ut ad senatum referretis; se contra armatum tribunum plebis sine publico consilio decertare nolle; consulibus ex senatusconsulto rem publicam defendentibus se arma sumpturum. Ecquid, infelix, recordaris, quid responderis? In quo illi omnes quidem, sed Torquatus praeter ceteros furebat

31. *quos despicerem*] Piso said that Cicero had attacked himself and Gabinius, particularly in the matter of superseding them in their provinces, and that he dared not attack Caesar and Pompeius, of whom he had more cause to complain.

criminationes insidiarum] When he was accused of forming a design against Pompeius' life (Pro Sestio, c. 63, and the note, and c. 64).

multique mortales] Gellius (xiii. 28): "Verba sunt Claudii Quadrigarii ex annalium ejus tertiodecimo: 'Contione dimissa Metellus in Capitolium venit cum mortalibus multis: inde domum proficiscitur: tota civitas eum reduxit.'" Gellius has preserved the remarks of Fronto on the expression 'multi mortales,' which he says means more than 'multi homines.' He says, "*multi* autem *mortales* nescio quo pacto et quodam sensu inerrabili omne fere genus quod in civitate est et ordinum et aetatum et sexus comprehendunt." Cicero often uses 'multi mortales,' and as it appears in a more general sense than 'multi homines,' as in Verr. ii. 2, c. 77: "ut omnes mortales . . . videre possint."

in Albanum] Pompeius' villa at Alba, to which it is said that he retired to be out of the way. Plutarch (Cicero, c. 31) found a story somewhere that Cicero himself went to Pompeius' Alban villa to pray for his help, and that Pompeius slipped out by a back door to avoid seeing him.

consulibus ex] 'sed consulibus,' Klotz, Halm: 'se' T.; om. C.

Torquatus] Gellius (i. 5) has an anecdote about him, which, as Abrami says, explains why he particularly fell into a passion. Torquatus had said that Hortensius was a mere gesticulator or actor, a Dionysia. Now Dionysia was a noted dancing woman

contumacia responsi tui, te non esse tam fortem, quam ipse Torquatus in consulatu fuisset, aut ego; nihil opus esse armis, nihil contentione: me posse iterum rem publicam servare, si cessissem; infinitam caedem fore, si restitissem; deinde ad extremum neque se neque generum neque collegam suum tribuno plebis defuturum. Hic tu hostis ac proditor aliis me inimiciorem quam tibi debere esse dicis? XXXII. Ego C. Caesarem non eadem de re publica sensisse quae me scio; sed tamen, quod jam de eo his audientibus saepe dixi, me ille sui totius consulatus, eorumque honorum quos cum proximis communicavit socium esse voluit, detulit, invitavit, rogavit. Non sum [ego] propter nimiam fortasse constantiae cupiditatem adductus ad caussam; non postulabam, ut ei carissimus essem, cujus ego ne beneficiis quidem sententiam meam tradidissem. Adducta res in certamen te consule putabatur, utrum quae superiore anno ille gessisset manerent, an rescinderentur. Quid loquar plura? Si tantum ille in me esse uno roboris et virtutis putavit, ut [ea] quae ipse gesserat conciderent, si ego restitissem, cur ego non ignoscam, si anteposuit suam salutem meae? Sed praeterita mitto. Me ut Cn. Pompeius omnibus suis studiis,

of that day (Pro Q. Roscio Com. c. 8, Vol. ii.). Hortensius replied: "Dionysia malo equidem esse quam quod tu Torquate, ἄμουσος, ἀγροδιαιτος καὶ ἀπρόσιτος." In place of ἀγροδίαιτος &c. there is a reading ἀναφρόδιτος, and ἀπροσδιόνυσος.

in consulatu] Catilina formed a plot to kill the consuls L. Cotta and L. Torquatus; but it was discovered and failed (Introduction to the Orations against Catilina, p. 2, Vol. iii.).

servare] "Omnes libri scripti habent *salvare*; quod quamvis non placet, testatum voluimus" (Faernus). Halm does not notice this.—'generum:' C. Caesar.

32. *non eadem de re publica*] Comp. De Prov. Cons. c. 17.—'honorum:' Caesar proposed to Cicero that he should be one of the commissioners for dividing the Campanian land, and he wished to attach Cicero to his party.—'constantiae cupiditatem:' his desire to maintain his consistency, to stick to the party of the Optimates, and not to join Caesar (ad caussam Caesaris). He adds that he would not have given up his opinions (sententiam) even for Caesar's favours.

rescinderentur] Comp. De Prov. Cons. c. 18. Piso succeeded his son-in-law Caesar in the consulship, and this was the year (B.C. 58) in which Caesar expected that the validity of some of his consular measures would be tried. Cicero was opposed to these measures, and Caesar, who knew it, stayed at the gates of Rome (B.C. 58) till Cicero went into exile. All this shows very clearly that he did not wish to go into Gallia and leave Cicero in Rome; and Cicero says it in what follows: 'Si tantum' &c. He tells us in all but express words that Caesar took a part in driving him from Rome, though he let others appear as the active agents. Cicero handles this delicate matter with great skill. He stops short, for he could say no more without saying too much: 'Sed praeterita mitto.' 'Mitto' is the reading of T. C. has 'omitto.'

Cn. Pompeius] He was roused at last by his own interest to exert himself for Cicero's recall from exile.—'senatus:' T., 'senatui' C. It is not easy to explain the dative. The genitive means 'he maintained the opinion of the senate.'—'hujus voluntatis:' Pompeius and his friends wished to have Caesar's consent to Cicero's recall, and P. Sestius undertook to see Caesar about it, and paid him a visit at the end of B.C. 58 or the beginning of B.C. 57 (Pro Sestio, c. 33). In B.C. 57 there would be no danger of Caesar's measures being rescinded. He had defeated the Helvetii and the Germans, and carried the Roman arms north of the Seine. He was too powerful to be provoked, and

laboribus, vitae periculis complexus est, quum municipia pro me adiret, Italiae fidem imploraret, P. Lentulo consuli, auctori salutis meae, frequens assideret, senatus sententiam praestaret, in contionibus non modo se defensorem salutis meae, sed etiam supplicem pro me profiteretur, hujus voluntatis eum, quem multum posse intelligebat, mihi non inimicum esse cognorat, socium sibi et adjutorem C. Caesarem adjunxit. Jam vides me tibi non inimicum, sed hostem, illis quos describis non modo non iratum, sed etiam amicum esse debere; quorum alter, id quod meminero semper, aeque mihi fuit amicus ac sibi; alter, id quod obliviscar, sibi aliquando amicior quam mihi. Deinde hoc ita fit, ut viri fortes, etiam si ferro inter se cominus decertarint, tamen illud contentionis odium simul cum ipsa pugna armisque deponant. Neque me ille odisse potuit umquam, ne tum quidem quum dissidebamus. Habet hoc virtus, quam tu ne de facie quidem nosti, ut viros fortes species ejus et pulchritudo etiam in hoste posita delectet.

XXXIII. Equidem dicam ex animo, patres conscripti, quod sentio, et quod vobis audientibus saepe jam dixi. Si mihi numquam amicus C. Caesar fuisset, si semper iratus; si aspernaretur amicitiam meam seque mihi implacabilem inexpiabilemque praeberet; tamen ei, quum tantas res gessisset gereretque quotidie, non amicus esse non possem. Cujus ego imperium, non Alpium vallum contra ascensum transgressionemque Gallorum, non Rheni fossam gurgitibus illis redundantem Germanorum immanissimis gentibus objicio et oppono; perfecit ille, ut si montes resedissent,

Caesar might suppose that after such a lesson Cicero would not readily oppose him in any thing immediately after his return to Rome, which was in September B.C. 57.

quorum alter] Cn. Pompeius. The other (alter) is Caesar, who, as he says, only looked after his own interests, when he consented to Cicero being driven from Rome, knowing, as it is clearly implied, that if Cicero stayed there was danger that his measures would be attacked, while he was busy with the enemy north of the Alps. There is no evidence so clear as that contained in this chapter as to the part which Caesar took in driving Cicero out of Rome.

odisse umquam] This may be true. Caesar perhaps did not hate Cicero, for the magnanimous man is not a good hater. Nor did he despise him altogether. He knew that Cicero could do him harm at Rome, and that he had the inclination. He was resolved not to leave him in Rome when he went to his province. He offered him the place of 'legatus' in his army in Gallia, and if Cicero had accepted it, Caesar would have been safe against him, for he would have had him in his power. Cicero refused the place and intended to stay in Rome, and Caesar would not allow that.

de facie] 'by sight.' Piso had never even seen 'virtus;' or he did not know her when he saw her, for he had great examples before his eyes, Cicero's 'virtus' for instance, which even Caesar admired.

33. *Cujus ego imperium*] 'T. et Oxon H.' (Halm), as Lambinus had proposed to read. The other reading is 'imperio.' He says, "I oppose his imperium, and not the rampart of the Alps to the ascent and invasion of the Galli," &c. It was usual to call the Alps the wall and rampart of Italy.

gurgitibus illis] A common use of 'ille:' "the Rhine overflowing with its enormous volume of water."—'si montes resedissent:' compare De Prov. Cons. c. 14. E. G. have 'residissent.'

amnes exaruissent, non naturae praesidio, sed victoria sua rebusque gestis Italiam munitam haberemus. Sed quum me expetat, diligat, omni laude dignum putet, tu me a tuis inimicitiis ad simultatem revocabis? sic tuis sceleribus rei publicae praeterita fata refricabis? Quod quidem tu, qui bene nosses conjunctionem meam et Caesaris, eludebas, quum a me trementibus omnino labris, sed tamen, cur tibi nomen non deferrem, requirebas. Quamquam, quod ad me attinet,

Numquam istam imminuam curam infitiando tibi:

tamen est mihi considerandum, quantum illi, tantis rei publicae negotiis tantoque bello impedito, ego homo amicissimus sollicitudinis atque oneris imponam. Nec despero tamen, quamquam languet juventus, nec perinde atque debebat in laudis et gloriae cupiditate versatur, futuros aliquos qui abjectum hoc cadaver consularibus spoliis nudare non nolint, praesertim tam afflicto, tam infirmo, tam enervato reo: qui te ita gesseris, ut timeres ne indignus beneficio videreris, nisi ejus a quo missus eras simillimus exstitisses.

XXXIV. An vero tu parum putas investigatas esse a nobis labes imperii tui stragesque provinciae? quas quidem nos non vestigiis odorantes ingressus tuos, sed totis volutationibus corporis et cubilibus persecuti sumus. Notata a nobis sunt et prima illa scelera in adventu, quum, accepta pecunia a Dyrrachinis ob

fata refricabis] "'facta' aliquot edd. vett." (Halm). Hotmann proposed 'vulnera,' and Cicero says 'vulnus refricare' in the Pro Flacco. Ursini proposed 'fata.' It seems as if they did not know that 'fata' was the MSS. reading, as Halm's note implies that it is.

eludebas] 'vereor ut sanum sit' (Halm); and perhaps it is not. Abrami thinks, as he says, that he reached the meaning of the passage, but he does not quite understand 'eludebas,' which Manutius explains 'serio non agebas.' He says, "You who were well acquainted with the fact of my intimacy with Caesar, were attempting to elude this, when with your lips all trembling still you asked me, why I did not give you notice of a prosecution." (In Caecil. c. 3; Pro Caelio, c. 23, "si hic nullius nomen detulisset.") It seems as if Piso, relying on his connexion with Caesar, put on boldness enough, though it was only a simulated boldness, to ask Cicero why he did not prosecute him, if he had so much to say against him. But I do not clearly see the meaning of 'eludebas.' 'Tibi nomen' means 'your name;' if 'tibi' is right.

Numquam istam &c.] A verse from the Atreus of L. Accius put in the mouth of Thyestes (Asconius).

debebat] E. F. G. P. 'debeat' M. S. The 'abjectum cadaver' is Piso, a carcase kicked out; yet, says Cicero, there may still be some of the young men who will not disdain to strip this vile corpse of its consular spoils: some who may still condescend to prosecute Piso, contemptible as he is.

afflicto] After 'afflicto' Halm has 'tam inopi.' He says that the MSS. have 'tam opimo,' but the ed. Ven. 1472 omits the words, and Orelli also.—'indignus beneficio:' the 'beneficium' was the province of Macedonia, which he got by Clodius' Lex, and he behaved as he did behave, in order to show that he was not unworthy of such a service from such a benefactor.

34. *cubilibus*] He talks in the same way in the Verrine orations (ii. 2, c. 77): "ut omnes mortales istius avaritiae non jam vestigia sed ipsa cubilia videre possint."

in adventu] When he entered his pro-

necem hospitis tui Platoris, ejus ipsius domum evertisti, cujus sanguinem addixeras, eumque, servis symphoniacis et aliis muneribus acceptis, timentem multumque dubitantem confirmasti, et Thessalonicam fide tua venire jussisti. Quem ne majorum quidem more supplicio affecisti, quum miser ille securibus hospitis sui cervices subjicere gestiret, sed ei medico quem tecum eduxeras imperasti, ut venas hominis incideret: quum quidem tibi etiam accessio fuit ad necem Platoris Pleuratus, ejus comes, quem necasti verberibus summa senectute confectum. Idemque tu Rabocentum, Bessicae gentis principem, quum te trecentis talentis regi Cotto vendidisses, securi percussisti, quum ille ad te legatus in castra venisset, et tibi magna praesidia et auxilia a Bessis peditum equitumque polliceretur; neque eum solum, sed etiam ceteros legatos qui simul venerant, quorum omnium capita regi Cotto vendidisti. Denseletis, quae natio semper obediens huic imperio etiam in illa omnium barbarorum defectione Macedoniam C. Sentio praetore tutata est, nefarium bellum et crudele intulisti; eisque, quum fidelissimis sociis uti posses, hostibus uti acerrimis maluisti. Ita perpetuos defensores Macedoniae vexatores ac praedatores effecisti. Vectigalia nostra perturbarunt, urbes ceperunt, vastarunt agros, socios nostros in servitutem abduxerunt, familias abripuerunt, pecus abegerunt; Thessalonicenses, quum oppido desperassent, munire arcem coegerunt. XXXV. A te Jovis Urii fanum antiquissimum

vince at Dyrrachium. The story of Plator is told in the De Harusp. Respons. c. 16; which passage may be compared with this. Here it is implied that Plator was of Dyrrachium, and that the Dyrrachini paid Piso for putting him to death. He had sold (sanguinem addixeras) the blood of Plator to the Dyrrachini at the time when he invited him to Thessalonica and gave him his promise that he should not be harmed (fide tua).

servis symphoniacis] See Vol. i. Index.—'majorum ... more:' 'by whipping and beheading' (see Verr. ii. 5, c. 6), sometimes one, sometimes both. Piso's son-in-law treated Acco a Gaul 'more majorum' (B. G. vi. 44). He did the same to Gutruat another Gaul (B. G. viii. 38), who was flogged till he fainted, and then he was beheaded.

Bessicae gentis] The Bessi were a Thracian people first mentioned by Herodotus (vii. 111). Strabo (p. 318) says that the Bessi inhabited almost all the Haemus (Balkan), and were called robbers even by robbers, by which he means to say they were the worst of all the robbers. They lived a miserable life in their huts.

Cotto] 'Coddo' C. Garatoni conjectures 'Cotyi,' which is the form in Tacitus (Ann. ii. 64).—'Denseletis:' the Denseleti, or, as Strabo calls them, Dentheletae, were a Thracian tribe. Halm writes 'oboediens' for 'obediens' the orthog. of C. 'oboediens' may be the true form.

C. Sentio] Sentius was governor of Macedonia in B.C. 88. A passage of Orosius (v. 18) quoted by Abrami explains this: "Iisdem temporibus Rex Sothimus cum magnis Thracum auxiliis Graeciam ingressus cunctos Macedoniae fines depopulatus est; tandemque a C. Sentio praetore superatus redire in suum regnum coactus est."

abripuerunt] Hotmann, Halm. 'arripuerunt' C. Lambinus says that 'abripuerunt' is the reading of the 'libri veteres' which he had seen, and that Faernus had 'abripuerunt.'—'Thessalonicenses:' compare De Prov. Cons. c. 2.

35. *Urii*] A correction of Turnebus. The MSS. have 'velsuri' or 'vel suri.' See Verr. ii. 4, c. 58, and the note.—'expiaverunt:' see De Prov. Cons. c. 3, and the note.

barbarorum sanctissimumque direptum est. Tua scelera dii immortales in nostros milites expiaverunt; qui quum uno genere morbi affligerentur, neque se recreare quisquam posset qui semel incidisset, dubitabat nemo quin violati hospites, legati necati, pacati atque socii nefario bello lacessiti, fana vexata hanc tantam efficerent vastitatem. Cognoscis ex particula parva scelerum et crudelitatis tuae genus universum.

Quid avaritiae, quae criminibus infinitis implicata est, summam nunc explicem? Generatim ea quae maxime nota sunt dicam. Nonne sestertium centies et octogies, quod quasi vasarii nomine in venditione mei capitis ascripseras, ex aerario tibi attributum Romae in quaestu reliquisti? Nonne, quum c talenta tibi Apolloniatae Romae dedissent, ne pecunias creditas solverent, ultro Fufidium, equitem Romanum, hominem ornatissimum, creditorem debitoribus suis addixisti? Nonne, hiberna quum legato praefectoque tuo tradidisses, evertisti miseras funditus civitates, quae non solum bonis sunt exhaustae, sed etiam nefarias libidinum contumelias turpitudinesque subierunt? Qui modus tibi fuit frumenti aestimandi? qui honorarii? si quidem potest vi et metu extortum honorarium nominari. Quod quum peraeque omnes, tum acerbissime Boeotii, et Byzantii, Cherronenses, Thessalonica sensit. Unus tu dominus,

Quid avaritiae] This is a text for Abrami, who says that greediness is the root of all evil. So says Aristotle; ambition and greediness are the cause of nearly all the bad acts that man does. This is what Cicero tells us; a man does not wrong his neighbour except to gain something by it (Pro Sex. Rosc. Am. c. 30). It is nearly the whole of the matter; but not quite all. Piso was greedy, and he stopped at no crime to satisfy his passion. Abrami quotes from Diogenes Laertius a saying of the Cynic Diogenes: *τὴν φιλαργυρίαν εἶπε μητρόπολιν πάντων τῶν κακῶν.*

centies et octogies] An enormous sum, which he received 'vasarii nomine,' on the account of outfit. Manutius has quite misunderstood the term 'vasarium.' Cicero (c. 2 of this oration) speaks of a "provincia exercitu et pecunia instructa et ornata." Compare Verr. ii. 4, c. 5, and the note. Cicero charges Piso with getting a large sum as outfit, and leaving it at Rome to be employed for his advantage.—'attributum:' this neuter refers to 'sestertium centies,' and it is according to usage.

c *talenta*] Some MSS. have cc. Halm thinks that c is enough. The Apolloniatae, the people of Apollonia on the coast of the Hadriatic, paid Piso in order that he might save them from paying their debt to Fufidius, one of the Roman negotiatores. The provincial towns often borrowed money of the Roman negotiatores at most extravagant interest, and as they could not directly repudiate their debt, as some of the North American States have done, they managed to get rid of their obligations, as the orator says, by bribing the governor. When Cicero says 'creditorem debitoribus suis addixisti,' he is speaking 'oratorie,' falsely, for the thing was impossible. He only means to say that he did not allow the creditor to get his debt.

frumenti aestimandi] This matter is explained in the notes to the Verrine orations (Vol. i. Index).

'Honorarium frumentum' is not mentioned in the Verrine orations, but a passage in one of Cato's speeches (Isid. Orig. l. 20, 3, 8, quoted by Mayer, Orat. Rom. Tr.) explains it: "Cum essem in provincia legatus, quamplures ad praetores et consules vinum honorarium dabant: numquam accepi, nec privatus quidem." Presents of corn, wine, and other things were made to the Roman governors.

Cherronenses] C. Halm writes 'Cherso-

unus aestimator, unus venditor tota in provincia per triennium frumenti omnis fuisti. XXXVI. Quid ego rerum capitalium quaestiones, reorum pactiones, redemptiones, acerbissimas damnationes, libidinosissimas liberationes proferam? Tantum locum aliquem quum mihi notum [esse] senseris, tecum ipse licebit quot in eo genere et quanta sint crimina recordere. Quid, illam armorum officinam ecquid recordaris, quum, omni totius provinciae pecore compulso pellium nomine, omnem quaestum illum domesticum paternumque renovasti? Videras enim grandis jam puer bello Italico repleri quaestu vestram domum, quum pater armis faciendis tuus praefuisset. Quid, vectigalem provinciam, singulis rebus quaecumque venirent certo portorio imposito, servis tuis [publicanis] a te factam esse meministi? Quid, centuriatus palam venditos? quid, per tuum servulum ordines assignatos? quid, stipendium militibus per omnes annos a civitatibus mensis palam propositis esse numeratum? Quid illa in Pontum profectio et conatus tuus? quid debilitatio atque abjectio animi tui Macedonia praetoria nuntiata, quum tu non solum, quod tibi succederetur, sed quod Gabinio non succederetur, exsanguis et mortuus concidisti? quid quaestor aedilicius rejectus? praepositus * *? legatorum tuorum optimus abs te quisque violatus?

nesus et.' This is the Thracian Chersonesus.

36. *pactiones, redemptiones*] Bargains made with persons who were accused; and sums of money paid by such persons (redemptiones) to get free. Whether the persons were guilty or innocent does not concern us here. Cicero is speaking of the corruption of justice.—'armorum officinam:' some place where arms were made. He says that all the cattle of the province were driven there 'pellium nomine,' under the pretext of getting a supply of skins; but the real purpose was to get money. The Romans required skins for tents, and other military purposes. (See Caesar, B. G. iii. c. 29, "ut . . diutius sub pellibus milites contineri non possent;" and Cic. Verr. ii. 2, c. 2.)

bello Italico] He says that Piso's father had made money in the Italic war (B.C. 90), having had the superintendence of the fabrication of arms, and at Rome, as some modern writers say, but this passage does not tell us where the manufactory was. The Marsic war cost Rome many men and much money; but war always brings profit to a few knaves who feed on it.

portorio] Piso fixed duties (portorium) on goods which came into the province and went out. 'Quaecumque venirent' means on all articles for sale. The word 'publicanis' is supposed by Bake to be a gloss, and Halm has inclosed it in [ ]. Hotmann once thought that the true reading was 'publicis.' He made the province 'vectigalis' to his slaves.

centuriatus] Abrami proposed 'centurionatus.' See De Imp. Cn. Pomp. c. 13, Vol. ii. But 'centurionatus' has a different meaning. The 'ordines' are the order of rank or precedence among the sixty centurions of a legion, and this order was determined by the favour of a miserable slave, a favourite of Piso. 'Assignare' is the usual word for expressing the appointment of the Centuriones. Piso also made the towns pay his soldiers; and we must suppose kept the money which the 'aerarium' allowed him for the pay of his troops.

Pontum] This is all that we know of Piso's expedition to the Pontus.—'Macedonia praetoria:' when he heard that he was superseded by the senate having declared Macedonia to be a Praetoria instead of a Consularis Provincia (De Prov. Cons.).

praepositus] Something appears to be lost after this word. Madvig writes 'quid quaestor aediliciis rejectis praepositus,' which he explains thus: Though Piso had

tribuni militares non recepti? M. Baebius vir fortis interfectus jussu tuo? Quid, quod tu toties diffidens ac desperans rebus tuis, in sordibus, lamentis luctuque jacuisti? quod populari illi sacerdoti sexcentos ad bestias amicos sociosque misisti? quid, quod, quum sustentare vix posses maerorem tuum doloremque decessionis, Samothraciam te primum, post inde Thasum cum tuis teneris saltatoribus, et cum Autobulo, Athamante Timocle, formosis fratribus, contulisti? quid, quod inde te recipiens in villa Euchadiae, quae fuit uxor Execesti, jacuisti maerens aliquot dies, atque inde obsoletus Thessalonicam omnibus inscientibus noctuque venisti? quod quum concursum plorantium ac tempestatem querelarum ferre non posses, in oppidum devium Beroeam profugisti: quo in oppido quum tibi spe falsa, quod Q. Ancharium non esse successurum putares, animos rumor inflasset, quo te modo ad tuam intemperantiam, scelerate, innovasti? XXXVII. Mitto aurum coronarium, quod te diutissime torsit, quum modo velles, modo nolles. Lex enim generi tui et decerni et accipere vetabat nisi decreto triumpho. In quo tu, accepta tamen et devorata pecunia, ut in Achaeorum centum talentis, evomere non poteras, vocabula tantum pecuniarum et genera mutabas. Mitto diplomata tota in provincia passim data; mitto numerum navium summamque praedae; mitto rationem exacti imperatique frumenti; mitto ereptam libertatem populis ac singulis, qui erant affecti praemiis nominatim, quorum

'aedilicii homines' with him as legati, he did not leave the province to the care of any of them, but to a quaestor, an officer of inferior rank. It appears that a governor on leaving his province could appoint a person to look after it (Ad Attic. vi. 5 and 6). (Madvig quoted by Halm, Addenda et Corrigenda.) The alteration is ingenious; but the word 'provinciae' seems to be wanted, and it seems as if 'rejectus' and 'praepositus' were opposed, and accordingly the passage is most probably defective. Piso on leaving the province before the arrival of his successor would not appoint his 'quaestor' who had been 'aedilis' to look after it. But he appointed somebody else. Cicero seems to be speaking of the time when Piso left his province, and not of his absolutely rejecting the 'quaestor,' who had been appointed at Rome in the usual way.

non recepti] Not brought back with him, says Manutius, to be recommended to the 'aerarium' in the usual way.

sacerdoti] Clodius, who violated the mysteries of the Bona Dea. In place of 'amicos sociosque' the reading of C., the lemma of Asconius has 'socios stipendiariosque.' He sent to Clodius men to fight with beasts in the Ludi which Clodius gave in the year B.C. 56. We must suppose that if Piso did send any men to Rome from the provinces, they must have been criminals.

Execesti] 'exegisti' C. Lambinus made the correction 'Execisti.'—'obsoletus:' in mean dress.—'Beroeam:' a town in the interior of Macedonia on a branch of the Haliacmon.

te . . . ad tuam intemperantiam . . . . innovasti] Forcellini explains this as follows: "iterum ad intemperantiam rediisti."

37. *aurum coronarium*] De Lege Agr. i. c. 4, and the note.—'lex . . generi tui:' C. Caesar's Lex De Repetundis. The MSS. have 'te accipere,' but Faernus properly erased 'te' "ex fide unius scripti libri."

diplomata] The governor's letter, probably sent to demand money.—'numerum navium:' the ships which he had required from the province and the towns which were within his government (Pro Flacco, c. 12, and the note, Vol. iii.).—'libertatem populis:' see c. 16.

nihil est quod non sit lege Julia ne fieri liceat sancitum diligenter. Aetoliam, quae procul a barbaris disjuncta gentibus, in sinu pacis posita, medio fere Graeciae gremio continetur, o Poena et Furia sociorum, decedens miseram perdidisti. Arsinoen, Stratum, Naupactum, ut modo tute indicasti, nobiles urbes atque plenas fateris ab hostibus esse captas. Quibus autem hostibus? Nempe iis, quos tu Ambraciae sedens primo tuo adventu ex oppidis Aggrinarum atque Dolopum demigrare et aras et focos relinquere coegisti. Hoc tu in exitu, praeclare imperator, quum tibi ad pristinas clades accessio fuisset Aetoliae repentinus interitus, exercitum dimisisti; neque ullam poenam, quae tanto facinori deberetur, non maluisti subire quam numerum tuorum militum reliquiasque cognoscere.

XXXVIII. Atque ut duorum Epicureorum similitudinem in re militari imperioque videatis, Albucius, quum in Sardinia triumphasset, Romae damnatus est; hic quum similem exitum exspectaret, in Macedonia tropaea posuit; eaque, quae bellicae laudis victoriaeque omnes gentes insignia et monumenta esse voluerunt, noster hic praeposterus imperator, amissorum oppidorum, caesarum legionum, provinciae praesidio et reliquis militibus orbatae ad sempiternum dedecus sui generis et nominis, funesta indicia constituit: idemque, ut esset quod in basi tropaeorum inscribi incidique posset, Dyrrhachium ut venit decedens, obsessus est ab iis

liceat] M. S. have 'possit.' Halm thinks that 'ne fieri liceat (possit)' is a gloss, "nam est *sancitum* h. l. nostrum *verpönt*."

Aetoliam] Abrami remarks that the Aetolians were a warlike people, as the Greek and Roman historians tell us, though after the Roman conquest they were compelled to keep quiet. The personification of Aetolia was an armed woman: *πεποίηται δὲ ὑπὸ Αἰτωλῶν τροπαῖόν τε καὶ γυναικὸς ἄγαλμα ὡπλισμένον, ἡ Αἰτωλία δῆθεν· ταῦτα ἀνέθεσαν ἐπιθέντες οἱ Αἰτωλοὶ Γαλάταις δίκην* &c. (Pausan. x. 19, 1.)—'medio...gremio:' "Aetolos qui umbilicum Graeciae incolerent" (Liv. 35, c. 18, quoted by Abrami).

Stratum] Turnebus, from an 'antiquus liber.' The MSS. have 'arsinoan thracum.' But Stratus was in Acarnania; and Naupactus was originally a town of the Locri Ozolae. Philip, the father of Alexander the Great, is said to have given Naupactus to the Aetolians. Arsinoe, originally named Conope, was near the east bank of the Achelous.

Aggrinarum] 'Agrianum,' Halm. The emendation is by Turnebus. Piso, being at Ambracia, on the north side of the Ambraciot gulf, compelled these people to leave their homes in the south part of the mountains of Pindus, and they fell on the Aetolian towns. The Aggrinae are called Agraei by other writers, and Agraeis. There is a town Agrinium in the north of Aetolia, which may have belonged to this people.

38. *Albucius*] See De Prov. Cons. c. 7.—'praeposterus:' one who puts last what ought to be first, or reverses the natural order of things. Piso set up his trophies after losing his army.—'idemque ut esset:' 'ut esset' means 'it happened so that.' His own soldiers blockaded him at Dyrrachium, which would be a fine thing to record in the inscription on his trophies. Many of these trophies were monuments of stone. Plutarch (Sulla, c. 19) speaking of Sulla's trophies in Boeotia says: "One of these trophies, which commemorates the victory on the plain, stands where the soldiers of Archelaus first gave ground in the flight to the Molus: the other is placed on the summit of Thurium, to commemorate the surprise of the barbarians, with a Greek inscription in honour of the courage of Homoloichus and Anaxidamus."

ipsis militibus, quos paullo ante Torquato respondit beneficii caussa a se esse dimissos. Quibus quum juratus affirmasset se, quae deberentur postero die persoluturum, domum se abdidit: inde nocte intempesta crepidatus veste servili navem conscendit Brundisiumque vitavit et ultimas Hadriani maris oras petivit; quum interim Dyrrhachii milites domum, in qua istum esse arbitrarentur, obsidere coeperunt et, quum latere hominem putarent, ignes circumdederunt. Quo metu commoti Dyrrhachini profugisse noctu crepidatum imperatorem indicaverunt. Illi autem statuam istius persimilem, quam stare celeberrimo in loco voluerat, ne suavissimi hominis memoria moreretur, deturbant, affligunt, comminuunt, dissipant. Sic odium, quod in ipsum attulerant, id in ejus imaginem ac simulacrum profuderunt. Quae quum ita sint—non enim dubito, quin, quum haec quae excellunt me nosse videas, non existimes mediam illam partem et turbam flagitiorum tuorum mihi esse inauditam—nihil est quod me hortere; nihil est quod invites. Admoneri me satis est. Admonebit autem nemo alius, nisi rei publicae tempus; quod mihi quidem magis videtur quam tu umquam arbitratus es appropinquare.

XXXIX. Ecquid vides, ecquid sentis, lege judiciaria lata quos posthac judices simus habituri? Neque legetur quisquis voluerit;

paullo ante] In his speech in the senate. He says in this oration, c. 37, "ut modo tute indicasti." He said that he had disbanded his men as a reward for their services (beneficii caussa), and this was all that they were to have. I suppose they were to find their way home, or stay in Macedonia and starve or plunder.

crepidatus] The 'crepida' was the Greek shoe.

"Non hic qui in crepidis Graiorum ludere gestit." (Persius, i. v. 127.)

"Sed ut dixi, crepidas et crepidulas prima syllaba correpta id genus calceamentum appellaverunt, quod Graeci κρηπῖδας vocant" (Gellius xiii. 21).

arbitrarentur] S., Halm. The printed books have 'arbitrabantur.'—'quae excellunt:' 'his greatest crimes and misdemeanours.'—'me hortere:' to prosecute you (c. 33).—'rei publicae tempus:' 'the interests of the state.' It would not be for the interest of the state to prosecute Caesar's father-in-law at present: and Cicero dared not do it, and never did. Piso did not join his son-in-law in the civil war, and Cicero approved of his conduct so much that he fell in love with him (Ad Fam. xiv. 14, letter to Terentia: "amo etiam Pisonem, cujus judicium de genero suspicor visum iri grave," Ad Att. vii. 13 a).

39. *lege judiciaria*] The Lex Aurelia of the praetor Cotta, which was enacted some years before, declared that the Judices should be named from the Senators, Equites, and Tribuni aerarii. "Rursus deinde Pompeius in consulatu secundo (B.C. 55) quo haec oratio dicta est, promulgavit ut amplissimo ex censu ex centuriis aliter quam antea lecti judices, aeque tamen ex illis tribus ordinibus res judicarent" (Asconius).

Neque legetur] Madvig, Halm: 'non aeque (eque)' C. '*Non enim* Lamb.' (Halm). Hotmann says, "Turnebus dicit sibi videri *non enim* fore commodius." Was this one of the learned Turnebus' thefts, or one of Lambinus'? (See Verr. ii. 4, c. 53, and the note.)—'ad simulationem conjicietur:' 'ad simultatem' Lambinus. Faernus proposed 'connitetur' for 'conjicietur;' and Lambinus once proposed 'conferetur.' Finally he approved of 'ad simultatem connitetur,' and he explains the whole passage thus: "nemo ambitiose judicabit gratiae caussa: nemo inique aut injuste, odio impulsus."

nec quisquis noluerit non legetur. Nulli conjicientur in illum ordinem, nulli eximentur: non ambitio ad gratiam, non iniquitas ad simulationem conjicietur. Judices judicabunt ii, quos lex ipsa, non quos hominum libido delegerit. Quod quum ita sit, mihi crede, neminem invitus invitabis: res ipsa, et rei publicae tempus aut me ipsum, quod nolim, aut alium quempiam, aut invitabit aut dehortabitur.

Equidem, ut paullo ante dixi, non eadem supplicia esse in

invitus] C. 'invitum,' suggested by Hotmann and accepted by Halm. The change is not necessary. Piso had invited Cicero to prosecute him; but he did not wish to be prosecuted, and the invitation was only a show. (See c. 33.)

non eadem supplicia esse] See c. 18, 19. He says 'I do not consider the same things to be punishments to men (among men) which perhaps most do, condemnation, banishment, death.' He thinks there is no 'poena' in that which may happen to an innocent man, a resolute man, a wise man, and a good man and citizen. All this and what follows is intended to be an excuse for not prosecuting Piso; for after all that he has said against Piso, a man might have asked, If Piso is such a villain, why don't you bring him to punishment, especially now that the courts are better constituted since Pompeius has got a new Lex Judiciaria enacted? Instead of saying that he dared not prosecute Piso, which every body who listened to him knew to be true, he has some silly talk about innocent men having been convicted, and conviction and punishment being all that could happen to Piso, if he should be tried. The innocent and the guilty being equally liable to be convicted, what is the use of prosecuting a villain to conviction? Such is Cicero's idle talk.

This talk though very absurd suggests something. Many things happen to all men alike, death, disease, and misfortune. Death is the universal condition of man, and therefore in itself no punishment (poena) unless his whole existence is a punishment, both birth, and life. But death which a man suffers by the law in consequence of his crime, though it is not a punishment in itself, is an anticipation of the universal sentence of death, an event which men generally would put off as long as they can. That which is inflicted as a punishment, banishment, imprisonment, and pain, may fall on the guilty or the innocent. If it falls on the innocent, says Cicero, it is no 'poena;' by which he means, if he means any thing exact, that the consciousness of his innocence makes it no penalty to him. A good conscience certainly helps a man in his troubles, for in addition to the pain which may be unjustly inflicted on him, he has not the consciousness that he deserves it. Cicero supposes that the guilty are troubled by conscience; but this is not always so; at least bad men suffer from their own reflections in very different degrees, and some not at all. Piso being a bad man, as we will suppose, might be tormented by his reflections, or he might not; but in either case why should he not also suffer that which might befal an innocent man, trial, conviction, and loss of rank and property? Whether his reflections troubled him or not, he would feel his punishment severely, as all men do who have lived a life of ease and enjoyment, and are deprived of both. Piso was the proper man, if Cicero's story is true, to feel the punishment which a just judgment might inflict on him. At the end of this chapter Cicero speaks of Catilina's two acquittals, and the acquittal of Clodius, when he was tried for violating the mysteries of the Bona Dea. All he can say is that those who acquitted them were as bad as the accused; and perhaps he may mean to imply that Piso might be acquitted, though what he says at the beginning of the chapter implies that he will be convicted. In fact he tries to find some excuse for letting him alone after all these charges and all this abuse (c. 41), and he can find none; and so he rambles in his talk.

He leaves out of consideration that Piso's punishment by the sentence of a court would be a warning to others, and might prevent crime; for the prevention of crime is one of the ends which men propose when they punish, and punishment is supposed to prevent crime to some extent. Another end of punishment is to prevent the criminal from repeating his crime by letting him feel the consequences of it. But this lesson

hominibus existimo, quae fortasse plerique, damnationes, expulsiones, neces; denique nullam mihi poenam videtur habere id quod accidere innocenti, quod forti, quod sapienti, quod bono viro et civi potest. Damnatio ista quae in te flagitatur obtigit P. Rutilio, quod specimen habuit hic civis innocentiae. Major mihi judicum et rei publicae poena illa visa est quam Rutilii. L. Opimius ejectus est e patria, is qui praetor et consul maximis rem publicam periculis liberarat. Non in eo cui facta est injuria, sed in iis qui fecerunt sceleris [ac] conscientiae poena remansit. At contra bis Catilina absolutus: emissus etiam ille auctor tuus provinciae, quum stuprum Bonae Deae pulvinaribus intulisset. Quis fuit in tanta civitate qui illum incesto liberatum, non eos qui ita judicarint pari scelere obstrictos arbitraretur?

XL. An ego exspectem, dum de te quinque et septuaginta tabellae diribeantur, de quo jam pridem omnes mortales omnium generum, aetatum, ordinum judicaverunt? Quis enim te aditu, quis ullo honore, quis denique communi salutatione dignum putet? Omnes memoriam consulatus tui, facta, mores, faciem denique ac nomen a re publica detestantur. Legati qui una fuere alienati; tribuni militum inimici; centuriones, et si qui ex tanto exercitu reliqui milites exstant, non dimissi abs te, sed dissipati, te oderunt, tibi pestem exoptant, te exsecrantur. Achaia exhausta; Thessalia

is not worth much to the criminal unless it prevents the repetition of his offence; and punishment simply cannot do that. Where then the disposition to crime continues, and the opportunity is again presented, the criminal repeats what he has done before. If disposition cannot be altered, there remains only the other alternative; to deprive the criminal in some way for ever of the power of repeating his offence. If Cicero has told the truth, Piso was exactly the person who should have been treated in this way.

P. Rutilio] See Pro Balbo, c. 11; and Pro Fonteio, c. 17, note.—'hic civis:' the common reading is 'haec civitas,' which Halm found in the Venice ed. of 1472: in the edition of Ascensius, 1511, it is 'hic cuius.'

L. Opimius] One of the violent men whom Cicero loves to praise (Index, Vol. iii. Opimius): "Notum est Opimium in praetura Fregellas cepisse, quo pacto visus est ceteros quoque Latini nominis socios male animatos repressisse, eundemque in consulatu Fulvium Flaccum consularem et C. Gracchum tribunitium oppressisse, ob quam invidiam postea judicio circumventus est et in exilium actus" (Ascon.).—'qui praetor:' 'qui et post praeturam,' A. Halm.

sceleris [ac] conscientiae] In place of 'ac' A. E. F. have 'et.' The explanation of Graevius is that Cicero is saying ἓν διὰ δυοῖν. Bake proposes 'sceleris conscientia,' and that is a good suggestion. Perhaps Cicero may have written 'sceleris conscientiae.'—'remansit' A. M. S. 'permansit' E. F. G. P. But 'remansit' is the appropriate word, for the 'poena' is the punishment which results from the consciousness of crime. (Vol. iii. Index Re.)

bis Catilina] See the Introduction to the orations against Catilina, Vol. iii.

40. *quinque et septuaginta*] We may conclude that the number of Judices was seventy-five.—'diribeantur:' Ant. Augustinus. C. has 'diripiantur.' Manutius says, "Nos *diribeantur* ex ingenio reposuimus." Halm refers to Wunder's Praefat. p. cxlvi. See Pro Plancio, c. 6, and the note.

a re publica detestantur] "Nunc, ut a me, patres conscripti, quandam prope justam patriae querimoniam detester ac deprecer," In Cat. i. 11, Vol. iii.

Achaia exhausta] Most of this has been

vexata; laceratae Athenae; Dyrrhachium et Apollonia exinanita; Ambracia direpta; Parthini et Bulienses illusi; Epirus excisa; Locri, Phocii, Boeotii exusti; Acarnania, Amphilochia, Perrhaebia, Athamanumque gens vendita; Macedonia condonata barbaris; Aetolia amissa; Dolopes finitimique montani oppidis atque agris exterminati; cives Romani, qui in iis locis negotiantur, te unum solum suum depeculatorem, vexatorem, praedonem, hostem venisse senserunt. Ad horum omnium judicia tot atque tanta domesticum judicium accessit sententiae damnationis tuae: occultus adventus, furtivum iter per Italiam, introitus in urbem desertus ab amicis, nullae ad senatum e provincia litterae, nulla ex trinis aestivis gratulatio, nulla triumphi mentio: non modo quid gesseris, sed ne quibus in locis quidem fueris, dicere audes. Ex illo fonte et seminario triumphorum quum arida folia laureae rettulisses, quum ea abjecta ad portam reliquisti, tum tu ipse de te FECISSE VIDERI pronuntiavisti. Qui si nihil gesseras dignum honore, ubi exercitus? ubi sumptus? ubi imperium? ubi illa uberrima supplicationibus triumphisque provincia? Sin autem aliquid sperare volueras, si cogitaras id, quod imperatoris nomen, quod laureati fasces, quod illa tropaea plena dedecoris et risus te commentatum esse declarant, quis te miserior, quis te damnatior, qui neque scribere ad senatum a te bene rem publicam esse gestam, neque praesens dicere ausus es? XLI. An tu mihi, cui semper ita persuasum fuerit, non eventis sed

said before, and we have it served up again. —'Parthini:' 'Parthenii' C. Halm quotes the Fasti triumph. p. clxi, ed. Bait.: "C. Asinius Cn. f. Pollio pro Cos. ex Parthineis." The name is 'Parthini' or 'Partheni.' They were east of Epidamnus, and perhaps partly in the valley of the Drilo.—'Bulienses:' G. 'Bullienses' E. F. M. S. There is also the form 'Bulidenses,' 'Byllini,' and others. Bulis or Byllis is probably on the east side of the Aous, not far from Apollonia.

sententiae damnationis tuae] "ego cum Bakio, p. 313, ut glossema ad verb. *accessit* adjectum inclusi" (Halm). Cicero says 'domesticum judicium,' and adds these other words. The whole means: 'To the judgments of every body such and so decisive is added the judgment from your own home in the sentence of your own condemnation.' I see nothing like a glossema, but only a necessary addition to 'domesticum judicium,' like "fraternum nomen populi Romani" (Caesar, B. G. i. 36), and Juvenal's

"Corrumpunt vitiorum exempla domestica." (xiv. 32.)

This is also a common Greek form of expression.

ex trinis aestivis] 'in consequence of three campaigns.' Piso was three summers in his province, but he was not there three whole years (c. 33). He went in B.C. 57, in the year after his consulship.—'fonte . . . triumphorum:' Macedonia had given triumphs to many generals, as he has said before.

fecisse videri pronuntiavisti] 'Pronounced your own judgment,' 'your own fecisse videri,' as Faernus rightly explains it. 'Videri' is the formal word used in the Condemnatio. (See Verr. ii. 2, c. 38, and the note on 'videri.') Faernus says that in all his 'libri' there was 'videris,' which he altered to 'videri;' and Latinus Viterbiensis showed him his 'liber' in which it was so written.

41. *non eventis*] Abrami compares Pro Rabirio Post. c. 1: "quamquam hoc plerumque facimus ut consilia eventis ponderemus," &c., and the wise speech of Fabius in Livy (xxii. c. 39): "nec eventus modo hoc docet; stultorum iste magister est:

factis cujusque fortunam ponderari, [dicere audes] neque in tabellis paucorum judicum, sed in sententiis omnium civium famam nostram fortunamque pendere, indemnatum videri putas, quem socii, quem foederati, quem liberi populi, quem stipendiarii, quem negotiatores, quem publicani, quem universa civitas, quem legati, quem tribuni militares, quem reliqui milites, qui ferrum, qui famem, qui morbum effugerunt, omni cruciatu dignissimum putent? cui non apud senatum, non apud ullum ordinem, non apud equites Romanos, non in urbe, non in Italia, maximorum scelerum venia ulla [ad ignoscendum] dari possit? qui se ipse oderit, qui metuat omnes; qui suam caussam nemini committere audeat, qui se ipse condemnet? Numquam ego sanguinem expetivi tuum: numquam illud extremum, quod posset esse improbis et probis commune, supplicium legis ac judicii; sed abjectum, contemptum, despectum a ceteris, a te ipso desperatum et relictum, circumspectantem omnia, quidquid increpuisset pertimescentem, diffidentem tuis rebus, sine voce, sine libertate, sine auctoritate, sine ulla specie consulari, horrentem, trementem, adulantem omnes, videre te volui; vidi. Quare si tibi evenerit, quod metuis ne accidat, equi-

sed eadem ratio quae fuit futuraque, donec eaedem res manebunt, immutabilis est." When Cicero says 'neque in tabellis paucorum judicum,' he is again making his lame apology for not prosecuting Piso, and tacitly admitting that Piso would not be convicted. Is the judgment of a whole people better than the judgment of a few men, selected by some good rule, who hear all the evidence and then give their verdict?

[*dicere audes*]] These words are in the MSS., but Faernus, Manutius, and Lambinus rejected them. They spoil the sentence. I have omitted the 'te' usually printed before 'indemnatum,' Garatoni having discovered it to be a glossema. The sentence generally stands thus in the editions: 'An tu mihi ... ponderari dicere audes, neque ... pendere? te indemnatum:' but 'te' is inconsistent with 'quem socii ... qui se ipsum oderit,' &c.

non apud ullum ordinem] Garatoni thinks that these words should follow 'non apud equites Romanos;' Halm thinks that 'non apud equites Romanos' are a glossema, as well as the words 'ad ignoscendum.' I am inclined to prefer Garatoni's suggestion.

qui se ipse oderit . . . qui se ipse condemnet] Abrami collects matter which is useful, though not always wanted for the occasion. For instance Tiberius' famous letter to the Senate (Sueton. Tib. c. 67), which Tacitus has also preserved; a letter which expresses with true Roman energy the old villain's perturbed state. To this the learned commentator adds Aristotle's true remark (Eth. ix. 4): *στασιάζει γὰρ (τῶν μοχθηρῶν) ἡ ψυχή*. Aristotle concludes, *οὐ δὴ φαίνεται ὁ φαῦλος οὐδὲ πρὸς ἑαυτὸν φιλικῶς διακεῖσθαι διὰ τὸ μηδὲν ἔχειν φιλητόν.* Unhappy indeed is the man who finds nothing in himself to love. Cicero would still have us think that Piso's self-condemnation would be his severest punishment.

improbis et probis commune] He is at the old matter again; conviction in a trial may happen either to the good or the bad. But is punishment less a punishment to the bad, because it sometimes falls unjustly on the good? Must the guilty be excused punishment because the innocent are sometimes unjustly punished? In place of 'quod posset,' the MSS. reading, Halm has 'quod potest,' which is Bake's suggestion.

quidquid increpuisset] 'fearing every noise,' as In Cat. i. 7: "quidquid increpuerit Catilinam timeri."

dem non moleste feram; sin id tardius forte fiet, fruar tamen tua indignitate; nec minus libenter metuentem videbo ne reus fias quam reum, nec minus laetabor, quum te semper sordidum quam si paullisper sordidatum viderem.

PRO CN. PLANCIO

ORATIO.

INTRODUCTION.

Cicero in this oration (c. 11) has given a sketch of the life of his client Cn. Plancius. In his youth Plancius was with A. Torquatus in Africa; and he afterwards served in Crete under Q. Metellus Creticus in the Cretan war, which began in B.C. 69 and ended in B.C. 67. He served in Macedonia as tribunus militum, and he was afterwards quaestor under L. Apuleius in the same province, while Cicero was in exile (B.C. 58, 57; Pro Plancio, c. 11, 41).

Cicero, writing to his brother (Ad Q. Fr. ii. 1) in the month of December B.C. 57, mentions Racilius and Cn. Plancius among the tribunes elected for the following year; and in another letter to Quintus (ii. 6), written the next year, he speaks of Racilius as one of the tribunes (Pro Plancio, c. 11 and 32). Accordingly the tribunate of Plancius was in the year B.C. 56; and he could not be a candidate for the aedileship before B.C. 55, nor exercise the office of aedile before B.C. 54.

This explanation is necessary for the purpose of showing in what year Cicero delivered this oration. In B.C. 54 Cicero defended P. Vatinius against a charge made under the Lex de Sodaliciis (L. Domitio Ahenobarbo Appio Claudio Pulchro Coss., Ascon. Ad Scaur. p. 121), and as he delivered the oration for Plancius after the oration for Scaurus, this oration must have been delivered either in B.C. 54 or after that year, and not in B.C. 55, as some critics have said. Cicero, in a letter to his brother (Ad Qu. Fr. iii. 1. iv.), says, "I have finished the orations which you have demanded of me Pro Scauro and Pro Plancio." This letter was written in B.C. 54, as the contents clearly show, and either at the end of September or the beginning of October. Further, we know that Cicero spoke for P. Vatinius in August B.C. 54, and that Scaurus' trial was to come on immediately after (Ad Q. Fr. ii. 16). The conclusion then is,

that this speech was delivered either in the latter part of August or the beginning of September B.C. 54, while C. Caesar and Cicero's brother Quintus were in Britain.

The aediles for the year B.C. 54 ought to have been elected in B.C. 55; but we might affirm that they were not elected in B.C. 55, if we had no other evidence than the fact of this speech being delivered in B.C. 54; for if Plancius had been elected in B.C. 55, he would have been prosecuted while he was Aedilis designatus.

It appears from this oration (c. 22) that a consul, M. Licinius Crassus, as we may assume, attempted to hold the comitia in B.C. 55 for the election of aediles for the following year. We do not know what prevented the elections of B.C. 55 from being held in due form, but it is certain that Cn. Plancius and A. Plotius were not elected aediles curules until B.C. 54. As Plancius was prosecuted in August or September, we may assume that his election had just taken place, and that he had not entered on his office. A letter of Cicero to his brother Quintus (ii. 15), written in June, shows that the comitia had not yet been held: Cicero says there is some hope that they will be held. The prosecutor was M. Juventius Laterensis, who had lost his election when Plancius was elected.

Cicero has two orations in defence of his friends who were prosecuted for bribery at elections (ambitus), L. Murena (Vol. iii. p. 89) and Cn. Plancius. A Lex passed in B.C. 55, the Lex Licinia de Sodaliciis, contained some new provisions about the law of bribery at elections, and it is necessary for the reader to know what these provisions are, and generally to know the history of the Roman laws against bribery, before he can understand this oration.

The history of bribery at Rome is instructive for those modern nations in which bribery is practised. The elections came on yearly, and thus the Romans had plenty of opportunity for becoming sharp in election practice. It was the fashion to solicit votes, to go about (ambire) to ask the voters, to shake hands, say civil things, and the like. This was the original 'ambitio,' not quite so mischievous as the modern Ambition. An early attempt was made to check this mean practice of going about to beg. The tribunes in B.C. 432 proposed and carried a Lex which forbade a man to "add any white to his dress for electioneering purposes" (Livy iv. 25). He was not allowed to make himself conspicuous by his dress, to be 'candidatus.' This small matter made a great disturbance at the time, the Patricians being much opposed to the Lex, for they were the canvassers for votes, and they both solicited and threatened the voter.

A Lex Poetelia (Liv. vii. 16) was directed chiefly against the canvassing by 'novi homines,' by men whose ancestors had never filled the higher offices in the state. These men were perhaps more active can-

vassers than the proud Patricians. The Lex forbade canvassing on the market-days and in the country villages. The Forum and the Campus were the proper places for canvassing the electors in. In B.C. 314, it was declared, "coitiones honorum adipiscendorum caussa adversus rem publicam esse" (Livy ix. 26). These 'coitiones' were clubs or associations made for election purposes; election committees and meetings to secure votes. The 'nobiles' laid all the blame of such associations on the 'novi homines,' who having less to rely on than their noble opponents, would be more likely to solicit votes in all ways.

The first Lex against bribery (ambitus) was enacted in B.C. 181 in the consulship of P. Cornelius Cethegus and M. Baebius Tamphilus (Liv. xl. 19). Another Lex named Cornelia was enacted in B.C. 159. Livy (Epit. 47) merely says, "lex de ambitu lata:" but the Schol. Bob. ad Or. pro Sulla, c. 5, say that a Lex Cornelia incapacitated a man during ten years for being a candidate for a magistratus, if he had been convicted of ambitus. It is not certain what Lex Cornelia this is. It has been supposed that it was a Lex of the Dictator L. Cornelius Sulla, but there appears to be no evidence to prove this assumption.

In B.C. 139 a Lex Gabinia enacted that the voting at the Comitia should be by ballot (tabellae), and not orally as before. There could be no object in this Lex except to secure the voter against intimidation by enabling him to give his vote secretly, and perhaps also to prevent bribery, for we may assume that bribery was used at this time. If the object was to prevent bribery, secret voting might in some degree effect that end. Cicero (Pro Plancio, c. 6) is eloquent on the advantages to the voter of secret voting: the elector can promise one thing and do another. A German writer (Rein) says of the vote by ballot: "An opportunity for bribing was presented by the Lex Gabinia (tabellaria). By this innovation it was scarcely any longer possible to control the voters, and those who were bribed could not be distinguished from those who were not bribed." This is the remark of a man who is perfectly ignorant of the nature of voting.

A Lex was enacted in the tribunate of C. Marius, B.C. 119, called Lex Maria. We know no more of it than Cicero tells us (De Legg. iii. 15, 17). Cicero says he is of opinion that "nothing is better than open voting, but it is a matter of doubt if this can be secured (obtineri)." Quintus, who replies to his brother Marcus in the Dialogue, says, "this is an opinion which misleads the inexperienced, and very often does mischief to the state, when a thing is said to be just and right; but it is maintained that it cannot be secured (obtineri), that is, the people cannot be resisted (id est obsisti posse populo negatur);" in which words he explains the meaning of 'obtineri.' He adds that the Lex tabellaria deprived the nobles (optimates) of all influence, and that the

people so long as they were free, never wanted the law, but they called for it when they were oppressed by the domination and power of the great (principes). There were four Leges tabellariae, the first of which, the Gabinia, related to the election of magistrates, a Lex, says Quintus in Cicero's Dialogue, proposed by an unknown and mean person. The other Leges tabellariae were enacted after the Gabinia, and established the ballot in certain public trials and in legislation (Carbonis tertia de jubendis legibus ac vetandis). The Lex Maria, says Cicero, made the 'pontes' narrow (pontes etiam lex Maria fecit angustos). The 'pontes' are the passages or approaches by which the voting-place was reached, and as we know nothing more of this Lex than what has been stated, we may assume that the purpose of it was to prevent confusion and crowding at the polling-place, and any interference with the voter. One purpose might be to enable him to deposit his voting-tablet quietly in its place, and to prevent any busy meddler from seeing how he voted.

A Lex Fabia is mentioned by Cicero (Pro Murena, c. 34, Vol. iii.), but it seems that it was not carried (legi Fabiae, quae est de numero sectatorum, &c.).

In B.C. 67 the tribune C. Cornelius proposed a Lex on Ambitus, but the Senate thought it was too severe, and they empowered the consuls M'. Acilius Glabrio and C. Calpurnius Piso to propose a new Lex, which was the Acilia Calpurnia. This Lex is described as most strict ('severissime scripta,' Cicero Pro Mur. c. 23); but the people did not like it so well as the proposed Lex of C. Cornelius. The enactment of the Lex Acilia Calpurnia was forcibly resisted by the 'divisores,' and the consul Piso was obliged to protect himself by a superior force in order to carry his Lex (Ascon. In Corn. p. 75, ed. Orelli). The penalties imposed by this Lex on those who secured their election by bribery were a pecuniary fine and perpetual incapacity to attain any of the 'honores' or high offices of the state; but they were allowed to live at Rome. (Dion Cassius xxxvi. 21—23; Schol. Bob. Cic. p. 361, Orelli.)

In B.C. 63, the consul M. Tullius Cicero proposed and carried the Lex Tullia de Ambitu. He was supported in carrying the preliminary Senatusconsultum by Servius Sulpicius, who wished to establish the 'confusio suffragiorum' as a means of preventing bribery. (Pro Murena, c. 23, Vol. iii. and the note.) Servius proposed that the votes should not be given by Tribus or Centuriae in the usual way, but that a majority of all the votes should decide. This measure would have helped very much to check bribery, for as each centuria had a vote, which vote was determined by a majority in the centuria, it was much easier to secure a majority by bribery and other ways in a small number of electors than to deal with the whole body of electors. The Lex

Tullia was severer than the Calpurnia. It forbade the candidates to hire persons to go about with them. It also seems to have imposed penalties on the 'divisores' (Pro Plancio, c. 23). No person was allowed to give an exhibition of gladiators or to feast the people within two years before he was a candidate (Pro Murena, c. 32; Pro Sestio, c. 64; and In Vatin. c. 15, and the notes), unless he was obliged to exhibit gladiators or give a feast under some testamentary disposition. This corresponds to a clause or clauses about treating in an English act. This Lex Tullia added to the penalties of the Lex Calpurnia ten years' exsilium. (Dion Cassius, 37, c. 29; Pro Murena, c. 41.)

Some critics have asserted that this penalty of exsilium was imposed on Senators only, a conclusion which is derived from the twenty-third chapter of the oration Pro Murena; but the meaning of that chapter is not clear, and it has been justly observed that this conclusion cannot be derived from the words 'in nostrum ordinem;' for Cicero merely says that the punishment would fall on men of senatorian rank, and it was only such men who could be candidates for the higher offices, the Praetorship and the Consulship. From the words 'poena gravior in plebem,' which occur in the same chapter, it has been inferred that the receivers of bribes were punished by the Lex Tullia, or at least the 'divisores' (Rein). It is certain that the 'divisores' were punishable under some Lex (Pro Plancio, c. 23); but I know of no authority for saying that the receivers of bribes were punished, unless this passage in the Pro Murena is evidence of it; and I do not think that it is[1].

There is no proof, as far as I know, that the receiver of a bribe at an election was punished at Rome, and this is an example of the practical good sense of the Romans. If a man has a vote it is clearly implied that he may give it as he pleases, otherwise he could not be said to have it. If then he gives it to him who pays best, his vote, as such, is no wrongful act, for he has given it to a person to whom he is permitted to give it. All men who are not legally disqualified may be candidates; all are equally eligible. There is no presumption anyway that any candidate is better than another; all are equally good, for there is no way of determining who are the best. Even the election of one in preference to another is no proof, nor is it ever taken as proof that the successful candidate is the better man. It is, however, inconsistent with the nature of a vote that it should be an object of sale, and he who offers to buy what is not saleable, and he who sells what he knows is not an object of sale, but of free gift, both of them are mean fellows. But the question is this: Is it useful to punish both buyer and seller? The

[1] Some of the best judges on Roman political affairs affirm that the bribed were not punished. I only find some kind of half assertion that they were punished in one or two of the heavy and inaccurate modern German compilations.

ground for punishing the briber is this: by presenting to an elector the temptation of money, he may get a vote which might have been given to another candidate, if he had not tempted the elector; and thus being guilty of corrupting a political institution, supposed to be an institution useful to the state, he is justly punished with the penalty of the law and the contempt of honest men. The elector is a dishonest man too, if he receives a bribe, and he is justly liable to punishment for corrupting a political institution. But if he is punished for taking a bribe, he will be as careful to conceal the fact as the giver of the bribe is. If he is not punished, he will take the money with all gladness of heart, he will care nothing about the risk of the briber, and he will be ready to give evidence against him. It may be suggested that if an elector is not punished for taking a bribe, men might be found vile enough to charge an innocent candidate with bribing them or others. This is possible; but it is enough for the present to reply that an attempt to prove as a fact what never was a fact, is rather more difficult than to give sufficient evidence about a real fact. The law of England punishes both the briber and the bribed, and so makes the proof of bribery more difficult[2].

The passage in the Pro Murena (c. 23, and the note), which contains the words "Morbi excusationi poena addita est," has been understood in various ways. Ferratius maintains that these words mean that the trial should not, as it was before the enactment of the Lex Tullia, be deferred or adjourned on the ground of the accused falling sick, but

[2] The last Act 17 and 18 Vict. c. 102 (1854) is "An Act to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament." It repeals either entirely or partially ten Acts about bribery and corruption. It defines bribery both with respect to the briber and the bribed. The briber is declared to be guilty of a misdemeanour, and is also liable to forfeit one hundred pounds to any person who shall sue for the same together with full costs of suit. The bribed is also declared to be guilty of misdemeanour, and is also liable to forfeit ten pounds to any person &c. There is a clause against treating and one against what is called undue influence. One effect of a conviction for bribery at Rome was the loss of the office which the candidate had got; and he went into exile. It seems probable that he could not reside any where in Italy, which to a Roman was a great punishment. A member of the House of Commons may be deprived of his seat by the judgment of an election committee, which is a certain number of members of the House who are appointed to try disputed elections. "If any candidate at any election for any county, city, or borough shall be declared by any election committee guilty, by himself or his agents, of bribery, treating, or undue influence at such election, such candidate shall be incapable of being elected or sitting in Parliament for such county, city, or borough during the Parliament then in existence." It is not easy to read with gravity this terrible penalty, which in fact is an act of kindness to the simpleton who has drained his pockets once. He is not allowed to do it again "during the Parliament then in existence." The whole Act is a farce with its definitions and its penalties. Anybody may sue for the penalties; but where does the legislature expect to find a man fool enough to do it? If the House of Commons would allow somebody else to make a Bribery Act for them, it would be a very different thing.

should be continued till it was terminated. I do not think that this interpretation is certain.

The Lex Tullia did not stop bribery. Plutarch, who followed Roman authorities, and Cicero, who was writing at the time, speak of large sums being spent at elections (Ad Att. i. 16, written B.C. 61). Cicero mentions two Senatusconsulta made in B.C. 61 on the proposal of M. Cato and Domitius to punish certain electioneering tricks: "unum ut apud magistratus inquiri liceret; alterum, cujus domi divisores haberentur, adversus rem publicam (facere videri)." The first Senatusconsultum is supposed to mean that the houses of magistratus might be searched, if there was suspicion of money being lodged there for the purposes of bribery; but this interpretation is at least doubtful.

The proposed Lex of the tr. pl. Aufidius Lurco (Cic. Ad Att. i. 16), which was not enacted, looks very like a motion of some eccentric member of the English Parliament. Aufidius proposed that if a candidate promised money to the tribes for their votes and did not pay it, he should not be punished; but if he did keep his promise, he should be compelled to pay as long as he lived three hundred sestertii to each tribe; annually, we may suppose.

Votes at Rome were now all venal: neither the penalties imposed on the bribers, nor the secret voting, prevented bribery. The 'confusio suffragiorum' which Servius Sulpicius recommended, joined with the ballot, might have rendered bribery more difficult; but the proposal of Sulpicius was rejected, and the voters were not paid till they had given their votes. Though there could be no certainty about the vote of an individual, the vote of a tribus, or of a centuria, was certain, being the vote of the majority, and it was immaterial to the candidate who voted for him or against him, if he could secure a majority. When he had the vote of the tribus, his agents would accordingly distribute a sum of money among all the voters of the tribus after the election. When a people are so corrupt as to take money for their votes, there is no way of preventing bribery. One of the great Roman bribers bought his way to supreme power. C. Caesar bought votes for himself and for others. He got the office of Pontifex Maximus by purchase, and ultimately the consulship and the government of Gallia. The great wealth and the great name which he got in his Gallic campaigns enabled him to make himself master of Rome (Plut. Caesar, cc. 5, 7, 20; Sueton. Caesar, c. 13). Even the Senate used bribery to protect their own party against Caesar. They helped Bibulus with money to secure his election (B.C. 60), that they might have a consul to maintain their interests against the influence of his colleague Caesar (Sueton. c. 19).

In B.C. 55, in the second consulship of Cn. Pompeius, and also in the second consulship of M. Licinius Crassus, the Lex Licinia was proposed

by the consul Crassus, and enacted. Dion Cassius (39, c. 37) is said to be the only ancient authority that speaks of enactments against Ambitus being made in the year B.C. 55, and though his language is not clear, we know of no other Lex to which he can refer.

In the year B.C. 56 the Senate had made a Consultum to this effect: "ut sodalitates decuriatique discederent, lexque de iis ferretur, ut qui non discessissent ea poena quae est de vi tenerentur" (Cicero, Ad Q. Fr. ii. 3, 5; Pro Plancio, cc. 15, 16, 17, 18). It is generally assumed that in conformity with this Senatusconsultum the Lex called Licinia was enacted (Cicero, Ad Div. viii. 2), which was directed against associations made for the purpose of elections. But the terms of the Senatusconsultum apply to clubs or associations generally which had a political character, and to the danger from such meetings; and accordingly the Senatusconsultum, which was in the nature of a declaratory act, declared that such assemblages of people should be considered as offences against the Leges de Vi. Rein is one of the modern critics who has formed a correct conclusion from this passage of Cicero.

The title of the Lex which was proposed by M. Licinius Crassus was Licinia de Sodaliciis, as we learn from this oration. 'Sodales' was a general term which signified members of a Sodalitas, a club or an association, such as we often read of in Roman history (Q. Cicero, De Petit. Cons. c. 5); and the word Sodalitium or Sodalicium had the same meaning. The expression 'collegia sodalicia' occurs in the Digest (47. 22. 1, de Coll.), though some editions omit the word 'sodalicia' (Savigny, System, &c., ii. p. 255, note). The Lex of Licinius then was directed against clubs or associations, which, whatever might be their original object, could easily be turned to the purposes of elections, and we must proceed from this general notion to determine what the law aimed at. The following passages in the oration Pro Plancio (cc. 15, 18, 19) more particularly explain the Lex. It is easy to understand how these associations might be used for elections. The men who managed the canvassing would have a list of all the 'sodales' of a 'sodalicium,' would agree with them about the sum to be paid, and would bring them up to the voting place. The voters would be much more easily managed by one or more clever fellows looking after a single 'sodalicium,' which would be kept together by party spirit, than if the canvassers had to deal with each voter separately. There is no reason for supposing, as Rein does, that the 'divisores' who were employed to secure the votes, and ultimately to pay the bribe, were distinguished by the special name of 'sodales;' for it is certain that all the members of a 'sodalitas' or 'sodalicium' were called 'sodales.' As the money was generally not paid to the voters till the election was over, every 'sodalicium' would keep

a sharp look out on its members to see that they gave their votes the right way, so far as this could be known when the vote was by ballot.

Sigonius had a correct notion of the distinction between Ambitus and the practices which the Lex Licinia de Sodaliciis was designed to prevent and to punish. But he had a false notion, which Wunder has adopted, that the voters were either secured by bribery, or compelled to vote for a candidate. Wunder's explanation of the 'vis' which he supposes to have been used is this, which I give in his own words: "Vis autem cernebatur in eo, quod certi quidam homines, sodales dicti, quos candidati largitione corruperant, multitudinem cogebant, ut ei a quo erant corrupti honorem deferrent. Id quo facilius fieri posset, tribules a candidato decuriabantur populusque describebatur, ita ut unicuique sodalium certa pars tribus et populi adsignaretur, cujus ut suffragia candidatus ferret, quocunque modo efficere debebant" (Prolegomena, p. lxxiv).

According to this explanation the 'sodales' were the managers of the election, and each had his men whom he drove to the vote for his employer. But this is not the way that such things are managed, for though many of the Roman voters were poor and venal, any thing like force could not be used to drive them to the polling place, where they gave a vote by a tabella or ballot. There were, no doubt, many indirect ways of influence, what our House of Commons calls undue influence, and even of intimidation. Cicero tells us (Pro Plancio, c. 19) that Plancius had gained great influence in his own tribe by the services which he had rendered to many of the voters, and by the places of profit which his father's interest and influence had procured for them; for Plancius' father belonged to the powerful company of the Publicani. In Great Britain and Ireland, and in the United States, men who have power will use it, if they can, to compel electors to vote as they wish. If the voter is a workman of any kind, a shopkeeper, a clerk, or a tenant; if his interests are in any way under the control of men who wish to command his vote, we know by experience that there are men vile enough to abuse this power, and to compel the elector to vote as they wish, and not as he wishes. So it was at Rome, and so it always will be as long as there are elections. The practical problem is to deprive these base men of their power; and it was supposed at Rome, and is supposed now, that the vote by ballot can do this to some extent. The Romans, we may assume, did not attempt to do by the ballot more than can be done. They gave the voter in some way the power of voting, so that nobody could tell how he voted unless he told it himself; and it may have been for the purpose of securing the voter against intrusion on his secrecy that Marius made the approaches (pontes) to the polling places narrower, and only fitted to receive a few persons at once. Secrecy to the voter was secured in some way, or Cicero could not speak of the

virtues of the ballot in the terms which he uses in this speech. Its virtues lie in the power which it gives to a man, whether honest or not, to vote as he pleases, and, if he likes, to deceive the knave who would get his vote for money or extort it from him through fear. In some parts of the United States of North America when a voter goes to the hustings he is presented with a ballot for each of the candidates, and he can put into the box any one of the ballots that he pleases, or more than one if he is voting for more than one person.

In this oration Cicero praises the ballot because it suits his purpose. In his treatise De Legibus (iii. 15) he declares his opinion in favour of open voting, or voting by word of mouth. He says that the vote by ballot had destroyed all the influence of the nobles, or whatever he means by 'optimates;' and this is very strong evidence in favour of the value of the ballot. It is his opinion that the 'boni,' a very indefinite class, to which he belonged himself, should know how the rest, who were not 'boni,' voted; for if the 'boni' did not know each man's opinion, the 'ballot might conceal a vicious vote.' He has however forgotten to tell us how the 'boni' are to be determined; nor has he observed that if the rest ought to vote as the 'boni' wish, the 'boni' might as well have all the votes and leave the rest without. In another passage (iii. 17) he would allow the people to have the ballot as a kind of safeguard of their liberty, "provided the tablet is shown and readily presented to all the best citizens and men of the weightiest character." To make any sense of such a proposal he ought to have pointed out some way of selecting this choice body of judges who should superintend the voting, and of course refuse or correct a vote if it did not please them. But though he has all this absurdity, Cicero has not gone so far as some of the present opponents of the ballot, who say that the electoral franchise is a trust, and yet they do not tell us how we must proceed against the trustee if he neglects his duty, and who must call him to account for giving his vote to one man rather than another; nor do these foolish people see that it follows from the very nature of an election that a man may give his vote to any candidate, nor do they see that if he promises his vote from a corrupt motive, it is less likely that the corrupter will get the vote if the elector can give it secretly, than if he must give it openly. Nor do these people see that in a matter in which two knaves are concerned, the briber and the bribed, that plan of voting is best which makes the principal knave least secure of getting what he bargains for. There may be reasons against the vote by ballot in any case, and there are good reasons against using it in all the cases in which the Romans used it; but nobody has yet discovered sufficient reasons against using it in popular elections, in which it is assumed, and indeed admitted on all sides, that he who is a voter has full liberty

to give his vote to any candidate, and it is also admitted that when the voting is open he may through intimidation, or out of regard to his interest, give it to one man while he would prefer giving it to another.

Wunder concludes that the Lex Licinia contained also a prohibition against the 'coitio' of candidates. He rightly explains 'coitio' of candidates to mean a combination of one candidate with another for the purpose of preventing a third candidate from being elected, an instance of which we find in the consular election of Cicero, against whom C. Antonius, who was elected, and Catilina who lost his election, formed a combination, which led Cicero to make an invective against both of them a few days before the comitia were held (Asconon. In toga Candida, p. 83, ed. Orelli). But Wunder draws his conclusion from two assumptions; first, that 'coitio' was a kind of 'vis,' the object of which was to defeat a candidate's election; and, second, that the purpose of the Lex Licinia was to punish those who employed 'vis' in their elections. But I do not admit that either of these assumptions is true.

In the trials under the Lex Licinia the Judices were called 'edititii' or 'editicii;' and such Judices are mentioned in the speech Pro Murena (c. 23). It is only from this oration that we can determine who the Judices editicii were, and the commentators do not agree about the matter. Cicero speaks of them 'oratorie,' that is, he uses general expressions which may mislead us (c. 17); but there are passages (cc. 15, 16) which seem to show how they were selected. First, it is plain that the prosecutor named certain 'tribus,' out of which the Judices must be selected; and again Cicero speaks of the defendant being deprived of the power of challenge (rejectio), which was allowed in ordinary trials for Ambitus. It seems that the prosecutor named four tribus, that the defendant might reject one, and that the Judices were taken from the other three in some way (cc. 15, 16; Cicero, Ad Att. iv. 15), and that he had no power to challenge these Judices. Wunder (Prolegom. p. lxxvii) defines the 'judices editicii' to be those who are determined (constituti) by the prosecutor, and none of whom can be challenged by the defendant; he defines the 'editi' to be those who are selected (delecti) by the prosecutor, and whom the defendant can challenge. He adds in a note that Ferratius is wonderfully in error who says, "Ut enim Liciniae legis de sodaliciis acerbitatem amplificet per quam accusator tribus edebat, ex quibus praetor judices sortiretur in reum." Some commentators suppose that these tribus were the ordinary tribus, which is the better opinion, for Cicero speaks of the tribes by name. Others suppose that they are the tribus of the Judices in the Album Judicum; but I see no reason for this opinion.

The penalty under the Lex Licinia was exsilium (Pro Plancio, c. 3);

but we do not know what was the duration of the exsilium. By the Lex Tullia it was ten years.

It appears (Pro Plancio, c. 17) that the Quaesitor or judge who presided at this trial was named C. Alfius, and he was praetor in this year (B.C. 54). The commentators assume that the Lex Licinia gave the prosecutor the choice of the Quaesitor, an inference which they make from this oration (c. 27); but if any one will read that passage carefully, he ought to conclude that the Quaesitor was not named either by the prosecutor or the defendant. At the close of the oration Cicero addresses the Quaesitor by the name of C. Flavi, which has caused great difficulty to the commentators, and Garatoni has tried to remove it by altering 'Flavi' to 'Flave,' and making the man's full name C. Flavus Alfius. (See the note.)

Drumann (Cicero, Geschichte Roms, Tullii, § 67) says that Plancius was acquitted; and he is followed by others. But there is nothing certain on this point. He must have been tried immediately after his election, and, as it has been remarked, he ought to have been tried before he entered on his office. The question is not material; and there is no very great improbability in the assumption that he had entered on his office, for he was elected in B.C. 54 to discharge the office of curule aedile during the remainder of that year. He ought to have been elected the year before, and tried when he was 'aedilis designatus,' if there was any ground for trying him; but every thing was in confusion in Rome at this time. If Plancius was acquitted, of course he discharged the duties of curule aedile in the latter part of B.C. 54; but there is no evidence in the Roman writers to show that Plancius ever was curule aedile, except the fact of his election, and we learn from Cicero's letters (Ad Fam. iv. 14, 15) that in B.C. 46 he was living in Corcyra. Drumann assumes that he was living there under Caesar's dictatorship, because he was of the party of Cn. Pompeius; but this, as usual with Drumann, is mere assertion. Plancius may have been living out of Italy in consequence of his conviction, or for other reasons. There is indeed a coin of Cn. Plancius which commemorates his curule aedileship; but this proves nothing as to his enjoyment of the curule office, for it may have been struck immediately after his election. Drumann's remarks on the case of Plancius are very inexact, and his errors have been repeated in the article on Cn. Plancius in the Dictionary of History and Biography. There are some remarks on the trial of Cn. Plancius in an article on Smith's Latin-English Dictionary, Westminster Review, No. xix., July, 1856.

This oration is difficult in respect of the matter, and sometimes the

language and the argument. It is one of Cicero's best, but quite unfit for young students to read.

This oration is edited by Baiter in the second edition of Orelli's Cicero. The following are the MSS. to which he refers:

V = Scholiastae Bobiensis pars Vaticana.
A = Scholiastae Bobiensis pars Ambrosiana.
T = Cod. olim Tegernseensis, nunc Monacensis (Cod. Lat. 18787), Saec. xi., quem ipse contuli dum meus erat.
E = Cod. Erfurtensis, nunc Berolinensis, apud Wunderum et Freundium.

I have also used the edition of this oration by E. Wunder, Leipzig, 1830, 4to., which contains Prolegomena, various readings, and a large number of notes, part selected from the commentators, and part his own. Many of these notes are very useful.

M. TULLII CICERONIS

PRO

CN. PLANCIO ORATIO

AD JUDICES.

I. Quum propter egregiam et singularem Cn. Plancii, judices, in mea salute custodienda fidem tam multos et bonos viros ejus honori viderem esse fautores, capiebam animo non mediocrem voluptatem, quod cujus officium mihi saluti fuisset, ei meorum temporum memoriam suffragari videbam. Quum autem audirem meos partim inimicos, partim invidos huic accusationi esse fautores, eandemque rem adversariam esse in judicio Cn. Plancio, quae in petitione fuisset adjutrix, dolebam, judices, et acerbe ferebam, si hujus salus ob eam ipsam caussam esset infestior, quod is meam salutem atque vitam sua benevolentia, praesidio custodiaque texisset. Nunc autem vester, judices, conspectus et consessus iste reficit et recreat mentem meam, quum intueor et contemplor unum quemque vestrum. Video enim hoc in numero neminem cui mea salus non cara fuerit, cujus non exstet in me summum meritum, cui non sim obstrictus memoria beneficii sempiterna. Itaque non extimesco ne Cn. Plancio custodia meae salutis apud eos obsit, qui me ipsi maxime salvum videre voluerunt; saepiusque, judices, mihi venit in mentem admirandum esse M. Laterensem, hominem studiosissimum et dignitatis et salutis meae, reum sibi hunc potissimum delegisse, quam metuendum ne vobis id ille magna ratione fecisse videatur. Quamquam mihi non sumo tantum, neque arrogo, judices, ut Cn. Plancium suis erga me meritis impunitatem consecutum putem. Nisi

1. *mea salute*] During Cicero's exile, when Plancius received him in Macedonia (c. 41).—'honori:' he means Plancius' election to the aedileship.

dolebam—texisset] These words are quoted by A. Gellius (ix. 12), to show the passive meanings of 'infestus.'

consecutum] T. E. 'Consecutum' has

ejus integerrimam vitam, modestissimos mores, summam fidem, continentiam, pietatem, innocentiam ostendero, nihil de poena recusabo: sin omnia praestitero quae sunt a bonis viris exspectanda, petam, judices, a vobis ut, cujus misericordia salus mea custodita sit, ei vos vestram misericordiam me deprecante tribuatis. Equidem ad reliquos labores, quos in hac caussa majores suscipio quam in ceteris, etiam hanc molestiam assumo, quod mihi non solum pro Cn. Plancio dicendum est, cujus ego salutem non secus ac meam tueri debeo, sed etiam pro me ipso, de quo accusatores plura paene quam de re reoque dixerunt. II. Quamquam, judices, si quid est in me ipso ita reprehensum ut id ab hoc sejunctum sit, non me id magno opere conturbat; non enim timeo ne, quia perraro grati homines reperiantur, idcirco, quum me nimium gratum illi esse dicant, id mihi criminosum esse possit. Quae vero ita sunt agitata ab illis ut aut merita Cn. Plancii erga me minora esse dicerent quam a me ipso praedicarentur, aut, si essent summa, negarent ea tamen ita magni ut ego putarem ponderis apud vos esse debere, haec mihi sunt tractanda, judices, et modice, ne quid ipse offendam, et tum denique, quum respondero criminibus, ne non tam innocentia reus sua quam recordatione meorum temporum defensus esse videatur.

Sed mihi in caussa facili atque explicata perdifficilis, judices, et lubrica defensionis ratio proponitur. Nam si tantummodo mihi necesse esset contra Laterensem dicere, tamen id ipsum esset in tanto usu nostro tantaque amicitia molestum. Vetus est enim lex illa justae veraeque amicitiae, quae mihi cum illo jam diu est, ut

better MSS. authority than the common reading 'consecuturum.' Cicero says 'I am not so arrogant as to think that by his services to me Plancius has got exemption from all prosecutions.'

omnia praestitero] 'If I shall prove every thing that honest men can require;' all that he has just said about Plancius.

2. *ita reprehensum . . . sejunctum sit*] 'If there is any matter for blame in me from which Plancius is free.' We must employ various forms to translate 'ita . . . ut.' He explains his meaning in the second part of the sentence.—'ne quid ipse offendam:' 'that I may not do any thing deserving of blame by speaking extravagantly of Plancius' services to me' (Manutius).

criminibus] 'omnibus' E.; but it is a false reading, for it can only mean all the prosecutors. There were however, as Wunder remarks, only two, but if there had been a dozen, that would not mend the matter, for Cicero says, and must say, that he will answer the charges (crimina) first; and for the reason which he gives.

explicata . . . . lubrica] These two words are opposed. They are both metaphorically used, and the metaphor is from a road, which in the one case is plain and smooth (explicata), in the other uneven and a cause of stumbling (lubrica).—'in tanto usu:' a Latin idiom which often occurs. It means 'yet still this very thing would be painful considering our great intimacy.' This use of 'in' with the ablative is common.

Vetus . . . lex illa] 'It is a rule long established, that rule about perfect (justae) and true friendship.' 'Vetus' is usual in this sense; an old established thing, an old saying.

idem amici semper velint; neque est ullum certius amicitiae vinculum quam consensus et societas consiliorum et voluntatum. Mihi autem non id est in hac re molestissimum contra illum dicere, sed multo illud magis, quod in ea caussa contra dicendum est, in qua quaedam hominum ipsorum videtur facienda esse contentio. Quaerit enim Laterensis, atque hoc uno maxime urget, qua se virtute, qua laude Plancius, qua dignitate superarit. Ita, si cedo illius ornamentis, quae multa et magna sunt, non solum hujus dignitatis jactura facienda [est], sed etiam largitionis recipienda suspicio [est]; sin hunc illi antepono, contumeliosa habenda est oratio, et dicendum est id quod ille me flagitat, Laterensem a Plancio dignitate esse superatum. Ita aut amicissimi hominis existimatio offendenda est, si illam accusationis conditionem sequar, aut optime de me meriti salus deserenda est.

III. Sed ego, Laterensis, caecum me et praecipitem ferri confitear in caussa, si te aut a Plancio aut ab ullo dignitate potuisse superari dixero. Itaque discedam ab ea contentione ad quam tu me vocas, et veniam ad illam ad quam me caussa ipsa deducit. Quid, tune dignitatis judicem putas esse populum? Fortasse nonnumquam est. Utinam vero semper esset! Sed est perraro; et si quando est, in iis magistratibus est mandandis quibus salutem suam committi putat: his levioribus comitiis diligentia et gratia petitorum honos paritur, non iis ornamentis quae esse in te videmus. Nam quod ad populum pertinet, semper dignitatis iniquus judex est qui aut invidet aut favet. Quamquam nihil potes in te, Late-

"Tuumne, obsecro te, hoc dictum erat.
Vetus credidi." (Ter. Eun. iii. 1, 38.)

'Lex' in this passage has one of its less exact meanings, but still a meaning sufficiently near to the original. Cicero says the same thing in his treatise on Friendship, c. 14.—'contentio:' a comparison.

maxime urget] Ernesti supposed 'Plancium' understood, but Wunder corrects him. There is nothing understood. 'Urget' is used absolutely. Using the Latin word we say: 'and in this one point he is most urgent.'

ille me flagitat] Sylvius proposed to write 'a me.' But 'flagitare' can be used with two accusatives, as Wunder shows by examples: Caesar, B. G. i. 16, "Quotidie Caesar Aeduos frumentum flagitare." See B. C. i. 87.

3. *ea . . . illam*] 'Is' and 'ille' are often put in opposition by Cicero. See Vol. i. Index, 'is . . . ille.'—'Quid, tune dignitatis:' this is Wunder's reading, taken from two MSS. T. has 'Quid, tu magni dignitatis.' There may be some corruption. The editors have tried their hand at correction.

in iis magistratibus] The praetorship and consulship which are contrasted with the less important offices of quaestor and aedile. Cicero could admit that in electing a consul the people sometimes judged well, for he had been consul himself, and his countryman Marius was elected consul when the safety of Italy was in danger.—'Nam quod ad populum:' it is implied that the people are either envious or hot partizans, and consequently bad judges of merit.

Quamquam nihil] Cicero often uses 'quamquam' without any corresponding member beginning with 'tamen,' as in c. 1, "Quamquam mihi," &c. It means 'however this may be.' Ernesti remarks that 'proprium' ought to be erased, for after writing 'quod sit proprium laudis tuae,' it

rensis, constituere quod sit proprium laudis tuae, quin id tibi sit commune cum Plancio. Sed hoc totum agetur alio loco: nunc tantum disputo de jure populi, qui et potest et solet nonnumquam dignos praeterire; nec si a populo praeteritus est quem non oportuit, a judicibus condemnandus est qui praeteritus non est. Nam si ita esset, quod patres apud majores nostros tenere non potuerunt, ut reprehensores essent comitiorum, id haberent judices, vel quod multo etiam minus esset ferendum. Tum enim magistratum non gerebat is qui ceperat, si patres auctores non erant facti; nunc postulatur a vobis, ut ejus exsilio qui creatus sit judicium populi Romani reprehendatis. Itaque quamquam qua nolui janua sum ingressus in caussam, sperare videor tantum abfuturam esse orationem meam a minima suspicione offensionis tuae te ut potius objurgem, quod iniquum in discrimen adducas dignitatem tuam, quam ut eam ego ulla contumelia coner attingere. IV. Tu continentiam, tu industriam, tu animum in rem publicam, tu virtutem, tu innocentiam, tu fidem, tu labores tuos, quod aedilis non sis factus, fractos esse et abjectos et repudiatos putas? Vide tandem, Laterensis, quantum ego a te dissentiam. Si, me dius fidius, decem soli essent in civitate viri boni, sapientes, justi, graves, qui te indignum aedilitate judicavissent, gravius de te judicatum puta-

is inept to add what follows. Some mistakes are instructive. Wunder remarks that Ernesti misunderstood the meaning, and if Cicero had said 'there was nothing that Laterensis could claim, which Plancius also did not possess,' he would not have said the truth, for Laterensis was a noble, and Plancius was not. When he says 'nothing that is properly commendable in you,' he could of course say that Plancius had equal personal merit, for the words 'proprium laudis tuae' refer to what a man has done himself, or what he deserves for his own merit. See c. 5, "aeque boni viri."

quod patres] The 'Patricii' or the 'Curiae.' Wunder quotes a passage from the De Re Publica (ii. 32): "Quodque erat ad obtinendam potentiam nobilium vel maxumum, vehementer id retinebatur, populi comitia ne essent rata, nisi ea patrum adprobavisset auctoritas;" and he refers to the passage in Livy, i. 17. "The initiative in legislation belonged to the administrative body (the Senate) alone, whose previous vote (προβούλευμα, senatus auctoritas) was a necessary preliminary to every determination of the Comitia Centuriata; and, in the second place, all determinations of the Comitia Centuriata required the confirmation of the Curiae to give them validity, and to such cases was applied the expression 'patrum auctoritas,' 'patres auctores fiunt,' which has so long been misunderstood.—Of these limitations to the power of the Comitia Centuriata the previous determination of the Senate was alone maintained, though only in matters of legislation, for the elections had been free from the beginning of the Republic" (Marquardt, iii. 3, p. 5, continuation of Becker's Handbuch, &c.). Becker has some remarks on the same subject in Vol. i. 2, p. 325. Compare also the passage in the oration De Lege Agraria, ii. 11, and the note, Vol. ii.; and De Domo, c. 14, and the note, Vol. iii.

vel quod multo] These words refer to what follows, 'Tum enim magistratum,' &c. 'Or they would have a power much more intolerable.' 'Si patres auctores,' &c., is only another way of saying what he has said, 'ut reprehensores essent comitiorum.' This passage shows that the penalty to which Plancius was liable was 'exsilium,' but we do not know whether the Lex Licinia added any thing to the penalties of the Lex Tullia de Ambitu.

qua nolui janua] 'Though I have entered on the cause by a door by which I did not like to enter;' by speaking of the comparative merits of Laterensis and Plancius.

rem quam est hoc, quod tu metuis ne a populo judicatum esse videatur. Non enim comitiis judicat semper populus, sed movetur plerumque gratia, cedit precibus; facit eos a quibus est maxime ambitus; denique etiam si judicat, non dilectu aliquo aut sapientia ducitur ad judicandum, sed impetu nonnumquam et quadam etiam temeritate. Non est enim consilium in vulgo, non ratio, non discrimen, non diligentia; semperque sapientes ea quae populus fecisset ferenda, non semper laudanda duxerunt. Quare quum te aedilem fieri oportuisse dicis, populi culpam, non competitoris accusas. Ut fueris dignior quam Plancius—de quo ipso ita tecum contendam paullo post ut conservem dignitatem tuam—sed ut fueris dignior, non competitor a quo es victus, sed populus, a quo es praeteritus, in culpa est. In quo illud primum debes putare, comitiis praesertim aediliciis studium esse populi, non judicium; eblandita illa, non enucleata esse suffragia; eos qui suffragium ferant, quid cuique ipsi debeant, considerare saepius quam quid cuique a re publica videatur deberi. Sin autem mavis esse judicium, non tibi id rescindendum est, sed ferendum. Male judicavit populus.—At judicavit.—Non debuit.—At potuit.—Non fero.—At multi clarissimi et sapientissimi cives tulerunt. Est enim haec conditio liberorum populorum, praecipueque hujus principis populi et omnium

4. *maxime ambitus*] Cicero could say this about elections, and all that follows, because it served his purpose. If he had been addressing the Quirites, he could have put a different colour on the matter. Here he tells the truth. The voters must be solicited: they like it. If they do not want money for their votes, they must have the respect which power always exacts, a personal visit, a shake of the hand, the abasement of the candidate to their own level, if it is only for five minutes every year, or even every seven years. He who would secure his election must go through this humiliation. One hardly knows whether the candidate is more worthy of pity or the elector of contempt.

non diligentia] The sense of 'diligentia' may be got by comparing it with 'dilectu,' or 'delectu,' as Wunder writes it. Cicero first uses 'discrimen,' which we may render by 'discrimination,' another form of the same word. From 'discrimination' comes 'selection.'—'ea quae populus fecisset' is a Roman way of expressing 'the acts of the people,' or 'what the people do;' and as Cicero is expressing himself generally, and not referring to any particular acts, he avoids the use of the indicative, which would express particular facts. So he says, c. 27, "qui venissent ad aquas," 'the company at the bath.'—'culpam . . . accusas:' a rare expression, as Wunder remarks. 'Culpa' occurs in Pro Rabirio Post. c. 2 in this sense, "res quae ponitur in culpa." (Quint. xi. 1, 81.)

eblandita] 'Those are votes got by coaxing,' by flattery, persuasion, and fair words. He adds they are not 'enucleata suffragia,' votes got out of their husk and covering, like the fruit of a nut, or any thing of that kind; not the real genuine inside of the thing.—'videatur deberi:' 'debeatur,' Baiter.

Sin mavis] Orelli says, There are those who tell us that 'sin' is not used, unless 'si' has been used in some clause which precedes the clause beginning with 'sin;' but this passage shows that they are mistaken. Wunder observes that nobody now teaches this, but he adds that the clause which precedes the clause beginning with 'sin,' if it does not contain 'si,' should however express something which stands in opposition to that which is expressed by 'sin' and the words which follow 'sin,' which is the case here, and wherever 'sin' is used. (See c. 6, "Sin hoc" &c.)

gentium domini atque victoris, posse suffragiis vel dare vel detrahere quod velit cuique: nostrum est autem, nostrum, qui in hac tempestate populi jactemur ac fluctibus, ferre modice populi voluntates, allicere alienas, retinere partas, placare turbatas; honores si magni non putemus, non servire populo; sin eos expetamus, non defatigari supplicando.

V. Venio jam ad ipsius populi partes, ut illius contra te oratione potius quam mea disputem. Qui si tecum congrediatur et si una voce loqui possit, haec dicat: Ego tibi, Laterensis, Plancium non anteposui; sed quum essetis aeque boni viri, meum beneficium ad eum potius detuli qui a me contenderat, quam ad eum qui mihi non nimis submisse supplicarat. Respondebis, credo, te splendore et vetustate familiae fretum non valde ambiendum putasse. At vero te ille ad sua instituta suorumque majorum exempla revocabit; semper se dicet rogari voluisse, semper sibi supplicari; se M. Seium, qui ne equestrem quidem splendorem incolumem a calamitate judicii retinere potuisset, homini nobilissimo, innocentissimo, eloquentissimo, M. Pisoni, praetulisse; praeposuisse se Q. Catulo,

posse suffragiis] Rome was in ancient times the greatest example of a popular government, and a more signal example than any modern nation. The popular vote was employed annually to elect the highest magistrates in the State, who had thus the opportunity of distinguishing themselves as generals and administrators. The condition of a free people is one of restlessness, for the active and ambitious having the road open before them, crowd into it and stir up the voters to help them. Such a government is a noisy, uneasy sort of thing, disagreeable to quiet people, full of corruption, and sometimes shaken by violent tempests, but we must be content with it, or with something like it, unless we would sink into the dull leaden sleep which despotism flings over the eyes of people, while it gags their mouths and picks their pockets. Horace has something about the elections, though in his time they were losing their significance:

"Hic multum in Fabia valet, ille Velina,
Cuilibet hic fasces dabit, eripietque curule
Cui volet importunus ebur."
(Horace, Ep. i. 6, v. 52.)

jactemur] The best MSS. have the subjunctive, but Ernesti and others preferred 'jactamur.' The difference between 'jactamur' and 'jactemur' is the same that we find in innumerable like passages. The indicative would say, 'it is the business of us who are tossed in this popular tempest and ocean.' The subjunctive would say, 'it is the business of men like ourselves, being exposed to the popular tempest and ocean, to be content with what the people choose.' Since we are exposed to the storm, we must make the best of it. Wunder remarks that many of those who now write Latin use the word 'quum,' where the Romans would use 'qui' with the subjunctive; and this is true. The men who write Latin now seldom write it well.

defatigari] 'defetigari' T. Wunder, Baiter. 'defatigari' E.

5. *haec dicat*] This is one of Cicero's oratorical tricks, to put words in the mouth of another. Sometimes he makes the State speak; sometimes a dead man, as old Appius, who in the oration Pro Caelio addresses his degenerate descendant Clodia.

M. Seium] We infer from this passage that he had been convicted, and had paid a penalty which reduced his fortune to a sum below the amount required in a man of equestrian rank. (Horace, Ep. i. 1, v. 57.) M. Piso is M. Pupius Piso, who lost his election for the aedileship (c. 21). He was 'nobilis,' but not a patrician.

Q. Catulo] A great deal has been written on this passage. The truth seems to be this. Q. Catulus is the man who was the colleague of C. Marius in his fourth con-

summa in familia nato, sapientissimo et sanctissimo viro, non dico C. Serranum, stultissimum hominem,—fuit enim tamen nobilis,—non C. Fimbriam, novum hominem, fuit enim et animi satis magni et consilii,—sed Cn. Manlium, non solum ignobilem, verum sine virtute, sine ingenio, vita etiam contempta ac sordida. Desiderarunt te, inquit, oculi mei quum tu esses Cyrenis; me enim quam socios tua frui virtute malebam; et quo plus intererat, eo plus aberas a me; mecum te non videbam. Deinde sitientem me virtutis tuae deseruisti ac reliquisti. Coeperas enim petere tribunatum plebis temporibus iis quae istam eloquentiam et virtutem requirebant; quam petitionem quum reliquisses, si hoc judicasti, tanta in tempestate te gubernare non posse, de virtute tua dubitavi; si nolle, de voluntate. Sin, quod magis intelligo, temporibus te aliis reservasti, ego quoque, inquiet populus Romanus, ad ea te tempora revocavi ad quae tu te ipse servaras. Pete igitur eum magistratum in quo mihi magnae utilitati esse possis: aediles quicumque erunt, iidem mihi sunt ludi parati: tribuni plebis permagni interest

sulship B.C. 102. Catulus lost his election for the consulship when Cn. Manlius, or Mallius, got it in B.C. 105, as we learn from the oration Pro Murena (c. 17). Catulus also lost his election when C. Atilius Serranus and Q. Servilius Caepio were chosen consuls B.C. 106; and in B.C. 104, when C. Flavius Fimbria and C. Marius were elected consuls, Marius for the second time. The reason why Cicero has altered the order of time in his enumeration of the defeats of Catulus, seems to be that he wished to put the greatest defeat last; first a man who was 'nobilis' was preferred to Catulus, then a 'novus,' and then an 'ignobilis' (Wunder).

Cn. Manlium] Wunder writes 'Cn. Mallium' on the authority of two MSS. See the note on the Pro Murena, c. 17. T. E. have 'Manlium' here, and Baiter.

Cyrenis] Laterensis had been quaestor in Cyrene (c. 26).—'quo plus . . . eo plus:' 'the more it was for my interest to have the benefit of your services, the further you kept away from me.' Some of the critics have found a difficulty here, and explained 'plus' incorrectly. The sense is as plain as it can be, though the expression cannot be translated literally. Wunder has explained it right.—'a me; mecum te non videbam:' this is the emendation of Fritzsch. T. E. have 'a me cum te.' Wunder has 'a me: certe te non videbam,' following Garatoni and Orelli.

tribunatum] Laterensis was a candidate for the tribuneship in B.C. 59, the consulship of Caesar, but he desisted from his canvass that he might not have to take the oath which the Agraria Lex of Caesar about the land of Campania required of the candidates, as Cicero tells us in a letter to Atticus (ii. 18): "Habet etiam Campana Lex exsecrationem in contione (ed. Orelli) candidatorum, si mentionem fecerint quo aliter ager possideatur atque ut ex legibus Juliis. Non dubitant jurare ceteri: Laterensis existimatur laute fecisse, quod tribunatum pl. petere destitit ne juraret." Cicero alludes to this in the beginning of c. 22.—'gubernare:' Orelli thought that 'gubernare' could not be used absolutely, and he thought that it ought to be 'gubernare rem publicam.' But this is a kind of criticism which is very poor. All analogy would lead us to suppose that most active verbs can also be used without a case after them; and Wunder quotes two instances of 'gubernare' being used as it is here: De Off. i. 25, and Phil. ii. 36.

ludi] "*iudi* T., iudices E." (Baiter). 'Ludi' is Ernesti's correction, and it is quite certain. For, as Garationi remarks, I and L are often confounded, and 'judices' is often written 'iud.' Nothing then is so natural as for the corruption 'iudi' to be made into 'iudices,' a word which is quite inconsistent with the sense of the passage.

qui sint. Quare aut redde mihi quod ostenderas, aut, si, quod mea minus interest, id te magis forte delectat, reddam tibi istam aedilitatem etiam negligenter petenti. Sed amplissimos honores ut pro dignitate tua consequare condiscas censeo mihi paullo diligentius supplicare.

VI. Haec populi oratio est; mea vero, Laterensis, haec: Quare victus sis non debere judicem quaerere, modo ne largitione sis victus. Nam si, quotiescumque praeteritus erit is qui non debuerit praeteriri, toties oportebit eum qui factus erit condemnari, nihil jam est quod populo supplicetur, nihil quod diribitio, nihil quod [supplicatio magistratuum] renuntiatio suffragiorum exspectetur; simul ut qui

amplissimos honores] The praetorship and consulship, the regular road to which was through the curule aedileship. Wunder compares Cicero De Legg. iii. 3: "Suntoque aediles, coeratores urbis, annonae ludorumque solemnium: ollisque ad honoris amplioris gradum is primus ascensus esto." See also what he says of the duties of the curule aediles when he was 'aedilis designatus.' (Verr. ii. 5. c. 14. Vol. i.)

6. *diribitio . . . exspectetur*] This passage, says Wunder, is thus written in all the MSS., except that instead of 'diribitio' the inferior MSS. have 'direptio;' one has 'directio,' and another has 'diremptio.' The words 'supplicatio magistratuum' seem entirely out of place, as will appear clearer when the meaning of 'diribitio' is established. Baiter includes 'suffragiorum' also in [ ], following Garatoni's opinion, who thought that it ought to be erased. Wunder thinks that 'suffragiorum' is necessary, but I doubt if he is right. If 'renuntiatio' means 'suffragiorum renuntiatio,' then 'suffragiorum' is necessary. But 'renuntiare' means the formal declaration of the names of the successful candidates (Pro Murena, c. 1), and I do not know if it is applied to 'suffragia.' (See the note on c. 20, 'renuntiatae.') If we omit 'suffragiorum,' Cicero must use 'renuntiatio' in the sense which it has in the passage Pro Murena; and this will be consistent with what follows. If rank must decide the elections, there is no need of an election, nor of a formal declaration of the successful candidates' names.

Wunder has a long dissertation on the verb 'diribere' and the noun 'diribitio' (Variae Lectiones, &c.). He concludes with what he might have placed first, the etymology of 'diribere.' The word is compounded of 'dis' or 'dir' and 'habere,' in which compound the *h* is omitted, as it is in 'praebere' (praehabere), and in 'debere' (dehabere). There is also 'cohibere,' which means 'to hold together,' and accordingly 'diribere' should mean 'to hold apart,' 'to separate.' Wunder remarks that with the exception of Abrami, the commentators have taken 'diribere' to mean the same as 'distribuere,' when it is applied to voting at the 'comitia' or at trials. He gives the opinions of these critics at great length, and they are very tedious to read. One passage of Cicero (Frag. Or. Corn. i.), as it is printed in Ernesti's edition, contains the words 'dum tabellae diribentur,' and this passage has been used to show that 'diribentur' means 'distribuuntur.' But the words are a pure invention of Patricius, who thought that they were necessary.

The passages cited by Wunder, in which 'diribere' and 'diribitio' occur, are the following: Pro Plancio, cc. 6, 20; In Pisonem, cc. 15, 40; Quum Senatui, c. 11; Cicero, Ad Q. Fr. iii. 4; Varro, De R. R. iii. 2 and 5; and Valerius Maximus, ix. c. 12, § 7; besides a few other passages from later writers. Wunder says that in all these passages the best and oldest MSS. have the readings 'diribere' or 'diribitor;' and that all the inferior and more recent MSS. have either some word by which these words are usually explained or some corrupted form of them. In the passage in the In Pisonem, c. 40, however, the MSS. have 'diripiantur,' a word without any meaning there. 'Diribeantur' in that passage, says Wunder, is a conjecture of Turnebus, Adv. xxi. 15. Whether it is Turnebus' conjecture or another's (see the note In Pison. c. 40) is immaterial. The conjecture is certainly right. In the epistle to Quintus Wunder observes that all the MSS. have 'diruptis,' and as this word gives no sense, we have to choose between writing 'diremptis' or 'diribitis.' In the passage of Varro (iii. 2)

sint professi videro, dicam: Hic familia consulari est, ille praetoria: reliquos video esse ex equestri loco: sunt omnes sine macula, sunt omnes aeque boni viri atque integri; sed servari necesse est gradus: cedat consulari generi praetorium, ne contendat cum praetorio nomine equester locus. Sublata sunt studia, exstinctae suffragationes, nullae contentiones, nulla libertas populi in mandandis magistratibus, nulla exspectatio suffragiorum: nihil, ut plerumque evenit, praeter opinionem accidet; nulla erit posthac varietas comitiorum. Sin hoc persaepe accidit ut et factos aliquos et non factos esse miremur; si campus atque illae undae comitiorum ut mare profundum et immensum sic effervescunt quodam quasi aestu ut ad alios accedant, ab aliis autem recedant, tanto nos impetu studiorum

two of the old MSS. have 'diribentur;' the rest have 'dirimerentur,' 'dirimuntur,' and 'dirimentur.' Schneider has selected 'dirimentur' in his edition. In the passage of Varro (iii. 5) Schneider has printed 'dirimerent,' though he gives no authority for it, and yet he quotes one MS. for 'diriberent,' and others which have 'diriperent.' Schneider has made a bad affair of these two passages, both in his text and in his notes. In the passage of Valerius Maximus, none of the MSS. have 'diriberentur;' but they have either 'darentur' or 'dicerentur.' There is however a various reading 'dirivarentur' and 'diruirentur,' which are supposed to indicate the reading 'diriberentur,' and Pighius proposed this correction. But Vorstius remarks on this correction of Pighius, that though the Romans said 'diribere tabellas,' that does not prove that they could say 'diribere sententias.' Wunder has an answer to this objection, but whether it is a sufficient answer or not, I do not know.

It is however certain that there is a verb 'diribere,' and that it has been sometimes corrupted. Wunder's conclusion is that it means to separate the votes, and determine what votes are given to each candidate, and in the voting for a Lex what votes are given for and what votes against it.

professi] 'As soon as they shall have declared themselves to be candidates.'

illae undae] Compare Pro Murena, c. 17, "Quod enim fretum, quem Euripum tot motus, tantas, tam varias habere putatis agitationes fluctuum, quantas perturbationes et quantos aestus habet ratio comitiorum" (Wunder). Victorius, he says, has aptly compared the passage in the *περὶ παραπρεσβείας* of Demosthenes, p. 383, ed. Reiske: *ὡς ὁ μὲν δῆμός ἐστιν ὄχλος, ἀσταθμητότατον πρᾶγμα τῶν ἁπάντων καὶ ἀσυνθετώτατον, ὥσπερ ἐν θαλάττῃ πνεῦμα ἀκατάστατον ὡς ἂν τύχοι κινούμενον.*

tanto nos impetu] Wunder omits 'in,' which is generally placed before 'tanto,' and he omits it on the authority of the best MSS., though he admits that the preposition could be used here; and there is no doubt of that. Caesar has an instance something like it (B. G. iii. 8), "in magno impetu maris." T. E. have 'tamen nos impetu,' and Baiter edits 'tamen nos in impetu.'

Wunder has a long note on the use of the Latin ablative, a use which all careful readers must have observed. He says, "Nam saepe etiam nullo adjecto participio solom substantivom cum adjectivo vel genitivo alius substantivi casu ablativo ecfertur eodem sensu, quo qui volgo dicuntur ablativi consequentiae ponuntur. Maxumeque ad eum usum adhibita sunt substantiva verbalia, qualia sunt *adventus*, *concursus*, *comitatus*, *conventus*, *decessus*, *discessus*, *inpetus*, *motus*, *profectio* et alia." His meaning is made clearer by examples, of which he quotes a page full, but I do not think that all his examples are to the purpose, though what he intends to say is true. There is one from the In Pisonem, c. 23, which will be the nearest to hand: "scio item virum fortem . . . adventu isto tuo domi fuisse otiosum." Caesar contains many better examples of this usage. The following is striking, but it is a perfectly pure Latin idiom: "sed nulla ferramentorum copia quae esset ad hunc usum idonea, gladiis cespites circumcidere cogebantur" (B. G. v. 42); 'but as they had no supply of iron implements fit for this purpose, they were compelled to cut out the turf with their swords.' There is another example in the B. G. ii. 9, "secundiore equitum proelio," &c., and B. G.

et motu temeritatis modum aliquem et consilium et rationem requiremus? Quare noli me ad contentionem vestrum vocare, Laterensis. Etenim si populo grata est tabella, quae frontes aperit hominum, mentes tegit, datque eam libertatem ut quod velint faciant, promittant autem quod rogentur, cur tu id in judicio exprimis, quod non fit in campo? 'Hic quam ille dignior,' perquam grave est dictu. Quomodo igitur est aequius? Sic credo: quod agitur, quod satis est judici: 'hic factus est.'—Cur iste potius quam ego?—Vel nescio, vel non dico, vel denique, quod mihi esset gravissimum si dicerem, sed impune tamen deberem dicere: 'Non recte.' Nam quid assequerer, si illa extrema defensione uterer, populum quod voluisset fecisse, non quod debuisset?

VII. Quid, si populi quoque factum defendo, Laterensis, et doceo Cn. Plancium non obrepsisse ad honorem, sed eo venisse cursu qui

iv. 1, "ut locis frigidissimis neque vestitus praeter pelles habeant quidquam."

Wunder remarks that one can hardly say how often the preposition *in* has been added by the 'interpretes,' even contrary to Roman usage.

contentionem vestrum] 'Contentio' means comparison, as in c. 2. The common reading is 'vestram;' but T. has 'vostrum,' and the sense requires it. The passage of Gellius also (xx. 6) proves 'vestrum' to be the true reading: "haec autem ipsa ratio est in numero plurativo, qua Gracchus *misereri vestrum*, et qua M. Cicero *contentio vestrum* et *contentione nostrum* dixit."

frontes aperit] Manutius thought this worth a note, but nobody can mistake the meaning. The difficulty is to keep the metaphor in translation. Manutius however understood what an excellent thing the ballot is: it enables a man to put on a cheerful face, and to promise to do what he will not do, because the ballot hides his thoughts.

cur tu id, &c.] Baiter has 'cur tu id in judicio ut fiat exprimis, quod non,' &c. 'Ut fiat' is in the Erfurt and the B. of Wunder, but I think Wunder is right in rejecting it. The meaning is this: 'Why do you, Laterensis, attempt to make the Judices say that which is never said in the Campus Martius?' If the text is the true reading, it is easy to see that 'ut fiat' may have been added to make the two parts of the sentence correspond, 'ut fiat' and 'fit;' for if the 'ut fiat' is wanting, they do not correspond, and a literal translation is impossible. 'Exprimere' sometimes signifies to draw something out of an unwilling person, as in Caesar, B. G. i. 32: "quum ab his saepe quaereret neque ullam omnino vocem exprimere posset." Cicero also, in a letter to Atticus (ii. 21), has the same expression as Caesar.

Hic quam ille] He does not mean any two candidates, but Plancius and Laterensis (Wunder).—'quod agitur:' 'the matter which is in hand;' 'the thing that we are talking about:' 'worauf es hier ankommt,' as Wunder translates it, who quotes Phil. xi. 10: "nunc quod agitur agamus." There are numerous other examples, as in De Prov. Cons. c. 4: "de provincia, quod agitur, id disputo." So the Romans said 'Hoc age,' when they bade a man attend to the business that was in hand.

quod mihi esset gravissimum] 'What would damage my case most;' for if he admitted that Plancius had not been properly preferred to Laterensis, it might be inferred that Plancius had been guilty of bribery.

Nam quid assequerer] Baiter, following others, writes 'num quid assequerere.' E. T. have 'nunc quid.' Baiter's text means: 'Would you gain any thing, if I were to avail myself of that conclusive answer, that the people had done as they liked, not as they ought?' But the meaning is this: 'For what should I get by simply saying that they did as they liked?' If he said so, he would be giving no answer at all. Wunder observes that 'assequerere' is contrary to all the MSS., and he correctly explains the sentence, 'Nam quid,' &c. Cicero explains himself in the next chapter.

semper patuerit hominibus ortis hoc nostro equestri loco, possumne eripere orationi tuae contentionem vestrum, quae tractari sine contumelia non potest, et te ad caussam aliquando crimenque deducere? Si quod equitis Romani filius est inferior esse debuit, omnes tecum equitum Romanorum filii petiverunt: nihil dico amplius; hoc tamen miror, cur huic potissimum irascare qui longissime a te abfuit. Equidem si quando, ut fit, jactor in turba, non illum accuso qui est in summa sacra via, quum ego ad Fabium fornicem impellor, sed eum qui in me ipsum incurrit atque incidit. Tu neque Q. Pedio, forti viro, succenses, neque huic A. Plotio, ornatissimo homini, familiari meo; et ab eo qui hos dimovit potius quam ab iis qui in te ipsum incubuerunt te depulsum putas. Sed tamen haec tibi est prima cum Plancio generis vestri familiaeque contentio, qua abs te vincitur. Cur enim non confitear quod necesse est? Sed non hic magis quam ego a meis competitoribus et alias et in consulatus petitione vincebar. Sed vide ne haec ipsa quae despicis huic suffragata sint: sic enim conferamus. Est tuum nomen utraque familia consulare. Num dubitas igitur quin omnes, qui favent nobilitati, qui id putant esse pulcherrimum, qui imaginibus, qui nominibus vestris ducuntur, te aedilem fecerint? Equidem non dubito. Sed si parum multi sunt qui nobilitatem ament, num ista est nostra culpa? Etenim ad caput et ad fontem generis utriusque veniamus. VIII. Tu es e municipio antiquissimo Tusculano, ex quo plurimae sunt familiae consulares, in quibus est etiam Juventia, [tot] quot e reliquis municipiis omnibus non sunt. Hic est e praefectura Atinati, non tam prisca, non tam honorata, non tam

7. *hominibus*] Wunder places [hominibus] thus.—'possumne:' 'shall I not be able?'—'contentionem vestrum:' the common reading is 'vestram.' T. has 'vostrum.' See c. 6.—'cur huic:' 'cur tu huic' (Wunder).—'illum . . eum:' see c. 3 and the note.

Fabium fornicem] In the Verrine orations (Act i. c. 7 and the note) it is 'fornicem Fabianum.' In the De Or. ii. 66 Cicero says: "Ita sibi ipsum magnum videri Memmium ut in forum descendens caput ad fornicem Fabii demitteret." We collect from the passage that this arch was at one end of the Sacra Via.

Sed tamen haec] 'Haec' refers to what follows, as Wunder remarks, and there is no doubt about that. But the order of the Latin words is worth notice: 'haec tibi est prima cum Plancio . . . contentio;' and between 'Plancio' and 'contentio' are interposed 'generis vestri familiaeque.'

meis competitoribus] When Cicero was a candidate for the consulship, he was the only candidate who belonged to the equestrian order (Plutarch, Cicero, c. 11, quoted by Wunder).—'utraque familia:' on his father's and on his mother's side only, and therefore he did not say 'genere' (Wunder).

8. *plurimae sunt*] '[sunt] plurimae' (Wunder), who believes 'sunt' to be spurious. Wunder writes 'tot quot.' 'Tot' is the reading of most of the MSS. Baiter prints 'Juventia: tot ex reliquis,' &c. But this destroys all the coherence of the sentence, as Wunder observes. This old Latin town Tusculum supplied Rome with some great families. The Roman 'civitas' was given to the Tusculani at an early date (Livy vi. 26).

praefectura] See Vol. ii. Index. Atina was a Volscian town on a hill near the

suburbana. Quantum interesse vis ad rationem petendi? Primum utrum magis favere putas Atinates an Tusculanos suis? Alteri—scire enim hoc propter vicinitatem facile possum—quum hujus ornatissimi atque optimi viri, Cn. Saturnini, patrem aedilem, quum praetorem viderunt, quod primus ille non modo in eam familiam, sed etiam in praefecturam illam sellam curulem attulisset, mirandum in modum laetati sunt: alteros—credo quia refertum est municipium consularibus; nam malevolos non esse certo scio—numquam intellexi vehementius municipum suorum honore laetari. Habemus hoc nos: habent nostra municipia. Quid ego de me, de fratre meo loquar? quorum honoribus agri ipsi prope dicam montesque faverunt. Num quando vides Tusculanum aliquem de M. Catone illo in omni virtute principe, num de Ti. Coruncanio municipe suo, num de tot Fulviis gloriari? Verbum nemo facit. At in quemcumque Arpinatem incideris, etiamsi nolis, erit tamen tibi fortasse etiam de nobis aliquid, aliquid certe de C. Mario audiendum. Primum igitur hic habuit studia suorum ardentia; tu tanta quanta in hominibus jam saturatis honoribus esse potuerunt. Deinde tui municipes sunt illi quidem splendidissimi homines, sed tamen pauci, si quidem cum Atinatibus conferantur. Hujus praefectura plena virorum fortissimorum, sic ut nulla tota Italia frequentior dici possit; quam quidem nunc multitudinem videtis, judices, in squalore et luctu supplicem vobis. Hi tot equites Romani, tot tribuni aerarii, nam plebem a judicio dimisimus quae cuncta comitiis adfuit, quid roboris, quid dignitatis hujus petitioni

source of the Melpis, or Melfis, a branch of the Liris, now Melfa. Atina was not far from Arpinum, Cicero's birthplace, as he tells us.—'Cn. Saturnini:' see c. 12.—'municipum suorum:' Wunder omits 'municipum,' and gives his reasons for it at great length as usual. It may not be genuine, but E. has it and T. has 'municipium.'

Habemus hoc nos] Rather loosely said. He means that his 'municipes' are pleased with speaking of his honours.

M. Catone illo] M. Cato the censor. Cicero adds that Ti. Coruncanius, who was distinguished for his legal knowledge, was also from Tusculum. See Pro Sulla, c. 7 and the note on the difference between Cicero and Tacitus (Ann. xi. 24), who says that Coruncanius was from Camerium. Wunder reconciles the two statements by saying that Coruncanius was of Camerium, but was presented with the 'civitas' by the Tusculani, and accordingly he finds the words 'municipe suo' quite proper, though some critics have stumbled at them; for he says these two words manifestly mean 'qui a Tusculanis civitate donatus est.' But Tacitus says, "Neque enim ignoro Julios Alba, Coruncanios Camerio, Porcios Tusculo . . . in urbem accitos;" which is a plain contradiction to Wunder's guess.

tribuni aerarii] See Pro Sestio, c. 9, where the 'equites' and the 'tribuni aerarii' are mentioned together as they are here.

plebem . . comitiis] The plebs had come to vote, but they were not detained for the trial. Manutius has a very careless note here, which Wunder corrects. Manutius cannot tell why the Atinates should vote, when they belonged to a Praefectura. The answer is that Cicero is speaking of a time after the Lex Julia, which Manutius had forgotten for the moment. (Lex Julia, Index, Vol. i.)

attulerunt? Non enim tribum Terentinam, de qua dicam alio loco, sed dignitatem, sed oculorum conjectum, sed solidam et robustam et assiduam frequentiam praebuerunt. Nostra municipia conjunctione etiam vicinitatis vehementer moventur.

IX. Omnia quae dico de Plancio, dico expertus in nobis; sumus enim finitimi Atinatibus. Laudanda est vel etiam amanda vicinitas retinens veterem illum officii morem, non infuscata malevolentia, non assueta mendaciis, non fucosa, non fallax, non erudita artificio simulationis vel suburbano vel etiam urbano. Nemo Arpinas non Plancio studuit, nemo Soranus, nemo Casinas, nemo Aquinas. Tractus ille celeberrimus, Venafranus, Allifanus, tota denique nostra illa aspera et montuosa et fidelis et simplex et fautrix suorum regio se hujus honore ornari, se augeri dignitate arbitrabatur; iisdemque nunc a municipiis adsunt equites Romani publice et cum legatione et testimonio, nec minore nunc sunt sollicitudine quam tum erant studio; etenim est gravius spoliari fortunis quam non augeri dignitate. Ergo ut alia in te erant illustriora, Laterensis, quae tibi majores tui reliquerant, sic te Plancius hoc non solum municipii verum etiam vicinitatis genere vincebat: nisi forte te Labicana aut Gabina aut Bovillana vicinitas adjuvabat, quibus e

Terentinam] 'Teretinam,' E. Baiter. The Atinates belonged to this 'tribus,' and voted for Plancius. Cicero means to say, their votes did not secure the Terentina for Plancius, but their votes got him credit and influence, and so secured the vote of the 'tribus' (see c. 16).—'sed oculorum conjectum:' Weiske, whose interpretation Wunder follows, says that this means "effecerunt ut alii oculos in Plancium conjicerent eumque facilius suffragio suo juvarent, quem viderent tot ac tam splendidorum hominum gratia florere."

9. *veterem illum officii morem*] Wunder has written 'veterem illam officii rationem,' which is a common form of expression, whereas he can find no example of the other.—'Casinas:' 'Cassinas' T. Arpinum, Sora, Casinum, and Aquinum, are all in the neighbourhood of Atina.

denique nostra illa aspera] 'denique anostra ita' T. E. Baiter has 'denique ea nostra ita aspera.' The word 'montuosa' is contrary to analogy, and the form 'montosa' generally occurs in the best MSS. of the Latin writers, as Garatoni says.—'a municipiis:' T. E. and Baiter have 'ex municipiis.' Wunder prefers 'a;' for there is a difference, as he correctly explains; 'a municipiis' means that men are sent on the part of the 'municipia,' and by the 'municipes:' 'e municipiis' means simply 'from, out of the municipia.'

Labicana] Labicum or Lavicum, Gabii, and Bovillae, were now small places in the neighbourhood of Rome. The deserted state of Gabii was almost a proverb:

"Gabiis desertior atque
Fidenis vicus."
(Horace, Ep. i. 11, v. 7.)

These towns once belonged to the Latin confederation, but they could now scarcely send representatives to take their part in the Feriae Latinae, to receive their portion of the flesh of the sacrifices. The Schol. Ambros. says that there were different traditions about the origin of these Feriae. Some said they were established by Tarquinius Priscus, and others said that they were established by the Prisci Latini. All this is immaterial. The Schol. further says: "Feriarum Latinarum sacrificio solebat hoc observari, ut hostiam civitates adjacentes portiunculas carnis acciperent ex Albano monte secundum veterem superstitionem. Verum tam exiguum in illis civitatibus numerum hominum significat ut desint etiam qui carnem petitum de sollenni more mittantur." Cicero alludes to this old ceremony in a letter to Atticus (i. 3): "Aviam tuam scito desiderio tui mortuam esse; et

municipiis vix jam qui carnem Latinis petant reperiuntur. Adjungamus, si vis, id quod tu huic obesse etiam putas, patrem publicanum, qui ordo quanto adjumento sit in honore quis nescit? Flos enim equitum Romanorum, ornamentum civitatis, firmamentum rei publicae publicanorum ordine continetur. Quis est igitur qui neget ejus ordinis studium fuisse in honore Plancii singulare? Neque injuria, vel quod erat pater is qui est princeps jam diu publicanorum, vel quod is ab sociis unice diligebatur, vel quod diligentissime rogabat, vel quia pro filio supplicabat, vel quod hujus ipsius in illum ordinem summa officia quaesturae tribunatusque constabant, vel quod illi in hoc ornando ordinem se ornare et consulere liberis suis arbitrabantur.

X. Aliquid praeterea—timide dico, sed tamen dicendum est—non enim opibus, non invidiosa gratia, non potentia vix ferenda, sed commemoratione beneficii, sed misericordia, sed precibus aliquid attulimus etiam nos. Appellavi populum tributim, submisi me et supplicavi: ultro me hercule se mihi etiam offerentes, ultro pollicentes rogavi. Valuit caussa rogandi, non gratia; nec si vir am-

simul quod verita sit ne Latinae in officio non manerent et in montem Albanum hostias non adducerent." Klotz refers also to Livy, 32. c. 1: "Feriae Latinae Pontificum decreto instauratae sunt, quod legati ab Ardea questi in senatu erant, sibi in monte Albano Latinis carnem ut assolet datam non esse."

qui ordo] A usual Latin form. When 'qui' cannot or does not grammatically refer to what precedes, it has its own noun after it. Examples are abundant: "omnes Belgas, quam tertiam esse Galliae partem dixeramus" (Caesar, B. G. ii. 1).

princeps] He was 'chief,' by which we may understand a director of one or more of the 'societates' of Publicani, or associations for farming the taxes. The partners in such an enterprise are the 'socii.' Manutius here also falls into a prodigious blunder, which is not unusual with him. Having no notion of humour he tries his hand at it here, and is misled, which is a warning. He took the 'socii' to be the Provinciales. Graevius corrected the blunder.

In c. 13 Cicero says "maximarum societatum auctor, plurimarum magister." The 'magister' of a 'societas' was the manager who resided at Rome, and was annually changed, as some modern writers say, though I do not know the authority for this statement (Verr. ii. 2, c. 74). He looked after the accounts and the correspondence. Perhaps 'societatum auctor,' the founder or former of the partnerships, may be equivalent to 'princeps.' "Mancipes sunt publicanorum principes" (Pseudo-Ascon. ad Div. p. 113, ed. Orelli); but this may not be a definition of 'publicanorum principes;' it may mean that the 'principes,' whoever they are, become 'mancipes,' and so it may mean generally that the men of greatest wealth and influence became the contractors (mancipes) with the censors, and gave the required securities. Probably these men took the whole contract in the first instance, as a loan contractor does now, and they distributed shares among those who were willing to take them. Some people had larger shares in these 'societates' than others; whence we may perhaps conclude that they were divided into equal shares, of which some might have one or two, and others more (Pro Rabirio Post. c. 2; Valerius Maximus vi. 9, quoted with the other authorities in Becker's Handbuch, &c., iii. 2, p. 217).

10. *timide dico*] 'timide dicam' A., Wunder, who remarks that Cicero always says 'dicam' in this form of expression.

ultro . . . rogavi] "Admirabiliter nec humilem se fecit in praecibus nec tamen plurimum adjuvisse testatus est. Sic et pro reo satis causae facit, et dignitatis suae ornamenta custodit dicendo: non defuisse praeces suas, quibus populus verecundo obsecutus sit, ultro se etiam offerens gratiae referendae ad eum promtissime designan-

plissimus, cui nihil est quod roganti concedi non jure possit, de aliquo, ut dicis, non impetravit, ego sum arrogans quod me valuisse dico. Nam ut omittam illud, quod ego pro eo laborabam qui valebat ipse per sese, rogatio ipsa semper est gratiosissima, quae est officio necessitudinis conjuncta maxime. Neque enim ego sic rogabam ut petere viderer, quia familiaris esset meus, quia vicinus, quia hujus parente semper plurimum essem usus, sed ut quasi parenti et custodi salutis meae. Non potentia mea, sed caussa rogationis fuit gratiosa. Nemo mea restitutione laetatus est, nemo injuria doluit, cui non hujus in me misericordia grata fuerit. Etenim si ante reditum meum Cn. Plancio se vulgo viri boni, quum hic tribunatum peteret, ultro offerebant, cui nomen meum absentis honori fuisset, ei meas praesentis preces non putas profuisse? An Minturnenses coloni, quod C. Marium e civili ferro atque ex impiis manibus eripuerunt, quod tecto receperunt, quod fessum inedia fluctibusque recrearunt, quod viaticum congesserunt, quod navigium dederunt, quod eum linquentem terram eam quam servaverat, votis, ominibus, [lacrimis] prosecuti sunt, aeterna in laude versantur; Plancio quod me vel vi pulsum, vel ratione cedentem receperit, juverit, custodierit, his et senatui populoque Romano ut haberent quem reducerent conservarit, honori hanc fidem, misericordiam, virtutem fuisse miraris?

XI. Vitia me hercule Cn. Plancii res eae de quibus dixi tegere potuerunt, ne tu in ea vita de qua jam dicam tot et tanta adjumenta huic honori fuisse mirere. Hic est enim, qui adolescentulus, cum A. Torquato profectus in Africam sic ab illo gravissimo et

dum, cui vir tam bene de re p. meritus suffragaretur." This is a bad specimen of the Schol. Ambros. There is often good matter in them.

vir amplissimus] Cn. Pompeius, who canvassed unsuccessfully for T. Ampius Balbus (Schol. Ambros.). This was on the occasion of Ampius being a candidate for the aedileship, about nine years before this speech was delivered (Garatoni).—'rogatio ipsa:' the Schol. Ambros. has 'rogatio haec;' but Cicero says that the mere solicitation of a vote, even if the canvasser be not a very great personage, is very pleasing to the electors and useful to the candidate.

nomen meum absentis] Wunder places [meum] in the stocks, for reasons which he thinks sufficient. The connexion of the possessive pronoun with a word in the genitive is common. Garatoni cites Livy (xxxvi. 7): "vim tuam praesentis exercitusque tui experiri." Plancius was a candidate for the tribuneship during Cicero's exile, and of course he returned to Rome from his province before Cicero returned from exile.

Minturnenses . . . C. Marium] An old story, which the reader of Cicero's orations will be almost tired of (Pro Sestio, c. 22, and the note; In Pison. c. 19).—'votis omnibus lacrimisque:' T. E. Baiter. Madvig writes 'votis ominibusque et lacrimis.' Wunder has 'votis ominibusque.'—'receperit:' see c. 41.

11. *Vitia . . . ne tu*] This form of expression (ne tu) is not unusual. 'Vitia' is opposed to 'in ea vita,' &c. 'What I have said might indeed have cast a covering over Plancius' vices, if he had any, and so you need not wonder,' &c.

sanctissimo atque omni laude et honore dignissimo viro dilectus est, ut et contubernii necessitudo et adolescentuli modestissimi pudor postulabat. Quod, si adesset, non minus ille declararet quam hic illius frater patruelis et socer T. Torquatus, omni illi et virtute et laude par; qui est quidem cum illo maximis vinculis et propinquitatis et affinitatis conjunctus, sed ita magnis amoris, ut illae necessitudinis caussae leves esse videantur. Fuit in Creta postea contubernalis Saturnini, propinqui sui, miles hujus Q. Metelli; cui quum fuerit probatissimus hodieque sit, omnibus esse se probatum debet sperare. In ea provincia legatus fuit C. Sacerdos, qua virtute, qua constantia vir! L. Flaccus, qui homo! qui civis! qualem hunc putent assiduitate testimonioque declarant. In Macedonia tribunus militum fuit; in eadem provincia postea quaestor. Primum Macedonia sic eum diligit, ut indicant hi principes civitatum suarum; qui quum missi sint ob aliam caussam, tamen hujus repentino periculo commoti huic assident, pro hoc laborant; huic si praesto fuerint, gratius se civitatibus suis facturos putant quam si legationem suam et mandata confecerint. L. vero Apuleius hunc tanti facit ut morem illum majorum, qui praescribit in parentum loco quaestoribus suis praetores esse oportere, officiis benevolentiaque superarit. Tribunus plebis fuit, non fortasse tam vehemens quam isti, quos tu jure laudas, sed certe talis, quales si omnes semper fuissent, numquam desideratus vehemens esset tribunus. XII. Omitto illa, quae si minus in scena sunt, at certe quum sunt prolata laudantur, ut vivat cum suis, primum cum parente,—nam meo judicio pietas fundamentum est omnium virtutum,—quem veretur ut deum,—neque enim multo secus est parens liberis,—amat vero ut sodalem, ut fratrem, ut aequalem. Quid dicam cum

magnis amoris] 'magni amoris' T. E.; 'magnis amoris' Pantagathus.

C. Sacerdos] Probably the same man who was governor of Sicily B.C. 74 (Verr. ii. 4, c. 64 note). L. Flaccus was the man whom Cicero defended. His services in Crete are mentioned in the oration Pro Flacco, c. 3, Vol. iii.—'assiduitate:' by their presence and constant attendance. He says soon after 'huic assident.'

L. Apuleius] Saturninus, to whom Plancius was quaestor in Macedonia (c. 41). He says the same of the relation between a governor and his quaestor in the De Divin. c. 19: "Sic enim a majoribus nostris accepimus, praetorem quaestori suo parentis loco esse oportere." (Vol. i.)

Tribunus plebis] In B.C. 56, when Plancius was tr. pl., Cicero was again at Rome, and we learn that Plancius was not so active as some of the other tribunes, and perhaps not so active as Cicero wished; but he dexterously avails himself of this to pay Plancius a compliment.

12. *scena*] 'scaena' T., Wunder, Baiter. The expression is common. Garatoni quotes Horace, Serm. ii. 1, v. 71:

"Quin ubi se a vulgo et scena in secreta remorant
Virtus Scipiadae et mitis sapientia Laeli."

The French, whose written idiom has been formed on the Latin model, use the word 'scène' in a similar way.—'pietas:' 'filial duty.' (See c. 33, and Index, Vol. ii. Pietas.)

patruo, cum affinibus, cum propinquis, cum hoc Cn. Saturnino, ornatissimo viro? cujus quantam honoris hujus cupiditatem fuisse creditis, quum videtis luctus societatem? Quid de me dicam, qui mihi in hujus periculo reus esse videor? quid de his tot viris talibus, quos videtis veste mutata? Atque haec sunt indicia solida, judices, et expressa, haec signa probitatis, non fucata forensi specie, sed domesticis inusta notis veritatis. Facilis est illa occursatio et blanditia popularis: aspicitur, non attrectatur; procul apparet, non excutitur [non in manus sumitur]. Omnibus igitur rebus ornatum hominem tam externis quam domesticis, nonnullis rebus inferiorem quam te, generis dico et nominis, superiorem aliis, municipum, vicinorum, societatum studio, temporum meorum memoria, parem virtute, integritate, modestia, aedilem factum esse miraris?

Hunc tu vitae splendorem maculis aspergis istis? Jacis adulteria, quae nemo non modo nomine, sed ne suspicione quidem possit

Cn. Saturnino] Cn. Apuleius Saturninus was the son of Lucius (c. 8).—' videtis luctus:' '*videatis* codd. praeter T. E. omnes' (Baiter). "Tenendumst autem *cum* particulam quotiens *eo quod* significet, id quod saepe significat, necessario indicativom adsciscere" (Wunder), who gives many examples. But there is no reason to explain 'quum' by 'eo quod.' It means 'when.' One of Wunder's examples is from this oration, c. 32: "Atqui haec quum vides, quo me tandem," &c. There is no doubt that 'quum' in both these passages means 'by the fact of;' but our word 'when' expresses it well, or the participial form may do sometimes.

Atque haec sunt &c.] 'Atqui,' Wunder, who thinks that 'indicia' is not genuine, and that the 'haec' before 'signa' should be omitted; but he admits that all the MSS. agree in giving what is in the text. He objects to 'indicia . . . solida et expressa,' for 'solida' means that which cannot be broken or destroyed, and 'expressa' is applied to forms made in wax, clay, or plaster. He admits that both 'solida' and 'expressa' can be applied to things not in the concrete, but he objects that it is not probable in itself nor can it be proved by any example that both adjectives together are used metaphorically; much less can it be proved that 'indicia' are ever called either 'solida' or 'expressa,' but on the contrary 'signa' and words of like signification are called 'solida' and 'expressa.' This is an example of a kind of discussion in which Wunder often indulges. I have not given all that he says, and if the reader wishes to know more about it, he must read the editor's long note. I do not set the slightest value on it. Cicero's metaphors will not always bear examination. When he uses 'solidus' and 'expressus' with 'signa' or 'effigies,' he means figures in the round. Here 'fucata,' as Wunder observes, corresponds to 'signa expressa,' and 'domesticis inusta notis veritatis' corresponds to 'solida.' Thus all is in perfect order, he supposes, if we get rid of 'indicia' and the second 'haec.'

The expression 'domesticis inusta notis veritatis,' is one of Cicero's metaphors that we hardly know how to deal with. There is also the expression 'domesticis notis veritatis,' on which form I have remarked before. (In Pison. c. 40, note on 'domesticum judicium.')

non in manus sumitur] Wunder places these words also in [ ] because they are only an explanation of 'non attrectatur,' for 'attrectare' signifies to take into the hands or to handle. He is the first critic who has stumbled at the words 'non in manus,' &c., and his remark is good.

generis dico et nominis] This genitive has puzzled the critics. Baiter, often injudicious, takes Garatoni's 'genere dico et nomine.' Baiter has this remark, "Qui ablativum suppleverunt *dignitate* vel *splendore* vel *decore* non cogitaverunt, ad vv. *nonnullis rebus* saltem duo substantiva apponenda fuisse;" which is a very absurd remark. But I believe that Wunder is right, who says that the text is genuine.

nomine] This refers to the word 'bimaritum,' a man who is the husband of two women; we may conclude, says

agnoscere: bimaritum appellas, ut verba etiam fingas, non solum crimina. Ductum esse ab eo in provinciam aliquem dicis libidinis caussa, quod non crimen est, sed impunitum in maledicto mendacium; raptam esse mimulam, quod dicitur Atinae factum a juventute vetere quodam in scenicos jure maximeque oppidano. O adolescentiam traductam eleganter! cui quidem quum quod licuerit objiciatur, tamen id ipsum falsum reperiatur.—'Emissus aliquis e carcere.' Et quidem emissus per imprudentiam, emissus, ut cognostis, necessarii hominis optimique adolescentis rogatu; idem postea praemandatis requisitus. Atque haec nec ulla alia sunt conjecta maledicta in ejus vitam de cujus vos pudore, religione, integritate dubitetis. XIII. Pater vero, inquit, etiam obesse filio debet. O vocem duram atque indignam tua probitate, Laterensis! Pater ut in judicio capitis, pater ut in dimicatione fortunarum, pater ut apud tales viros obesse filio debeat; qui si esset turpissimus, si sordidissimus, tamen ipso nomine patrio valeret apud clementes judices et misericordes; valeret, inquam, communi sensu omnium et dulcissima commendatione naturae. Sed quum sit Cn. Plancius is eques Romanus, ea primum vetustate equestris nominis, ut pater, ut avus, ut majores ejus omnes equites Romani fuerint, summum in praefectura florentissima gradum tenuerint et dignitatis et gratiae; deinde ut ipse in legionibus P. Crassi imperatoris, inter ornatissimos homines, equites Romanos, summo splendore

Ernesti, that the word was new.—'ut verba etiam fingas:' 'and so you invent even words.' See c. 11, note on 'ne,' &c.

mimulam] 'an actress of mimi,' some girl whom the young men carried off, it being an old custom, as he tells us, in that town to treat actors, or rather actresses, in this way. It is implied that Plancius was among these young men. Compare Livy ii. c. 18.—'quod licuerit objiciatur:' he has said there was an old rule or fashion at Atina which allowed the young men to carry off an actress.

Emissus aliquis] In the tribuneship of Plancius (Manutius). Laterensis had said this.

praemandatis] Wunder quotes two instances of the use of 'praemandare,' which help to explain this passage: Plautus, Truc. ii. 4. 49, and Cicero, Ad Div. v. 9. After rejecting the various attempts at emendation, he accepts Huldricus' explanation: "*Praemandatis requisitus* est litteris requisitus, quae missae fuerant in eas regiones in quas illum se contulisse Plancius suspicabatur, antequam de ea re aliquid constaret, quod in fugitivis fieri solet: nostri id genus *Steckbriefe* appellant." Wunder however objects to the words 'ante quam . . . constaret,' in place of which he would put 'ante quam in illas regiones in quas litteras misit fugitivom pervenisse suspicabatur.'

dubitetis] Garatoni explains this by 'dubitare debeatis.' Wunder corrects him, and says that 'de cujus . . . dubitetis' is put for 'ut de ejus . . . dubitetis.' The meaning is: "This, and it is all, is the scandal thrown on Plancius' life (de cujus) to make you doubt his chastity," &c.

13. *obesse*] 'The father's character ought not to be a presumption against the son.'—'communi sensu:' in the Pro Cluentio, c. 6, he writes "in communibus hominum sensibus atque ipsa natura positum."

P. Crassi] The father of M. Crassus, the contemporary of Cicero. See Pro Sestio, c. 21, and the note on P. Crassus.—'princeps . . . auctor . . . magister.' See c. 9, and the notes.

fuerit; ut postea princeps inter suos, plurimarum rerum sanctissimus et justissimus judex, maximarum societatum auctor, plurimarum magister; si non modo in eo nihil umquam reprehensum, sed laudata sunt omnia, tamen is oberit honestissimo filio pater, qui vel minus honestum et alienum tueri vel auctoritate sua vel gratia possit?—Asperius, inquit, locutus est aliquid aliquando.—Immo fortasse liberius. At id ipsum, inquit, non est ferendum.—Ergo hi ferendi sunt, qui hoc queruntur libertatem equitis Romani se ferre non posse? Ubinam ille mos, ubi illa aequitas juris, ubi illa antiqua libertas, quae malis oppressa civilibus extollere jam caput et aliquando recreata se erigere debebat? Equitum ego Romanorum in homines nobilissimos maledicta, publicanorum in Q. Scaevolam, virum omnibus ingenio, justitia, integritate praestantem, aspere et ferociter et libere dicta commemorem? XIV. Consuli P. Nasicae praeco Granius medio in foro, quum ille edicto justitio

Asperius, inquit] "Quod autem de patre dicit, illut est; cum princeps esset publicanorum Cn. Plancii pater, et societas eadem in exercendis vectigalibus gravissimo damno videretur adfecta, desideratum est in senatu nomine publicanorum ut cum iis ratio putaretur lege Sempronia, et remissionis tantum fieret de summa pecunia quantum aequitas postularet, pro quantitate damnorum quibus fuerant hostili incursione vexati. Adfuit igitur Caesar causae publicanorum. Caesaris desideriis contradixit pro vigore duritiae suae M. Cato, et diem totum prolixitate orationis suae occupavit ut senatus decernendi spatium non haberet. Et id tempus ergo Laterensis denotaverat invidiosum Plancio esse debuisse quominus fieret aedilis, quando pater ejus quaedam liberius et exertius adversus quosdam primores senatus in publicanorum allegatione dixisset." (Schol. Ambros.) In the Verrine orations (ii. 3, c. 6) there is an allusion to the Lex Sempronia under which the censors let the taxes of Asia: "aut censoria locatio constituta est, ut Asiae lege Sempronia." The censors might let the taxes under the Lex Sempronia, but the payments of the Publicani would be according to the Lex Censoria, or the terms fixed in their contract with the censors (De Prov. Cons. c. 5). This loss which the Publicani had sustained happened 'praesertim bello Mithridatico' (Dio 38, c. 7), says Mai, but see the notes to c. 14.

hoc queruntur] Wunder puts [libertatem equitis Romani] thus.—'Q. Scaevolam:' the great jurist, during his government of Asia protected the Provinciales against the exactions of the Publicani, who avenged themselves by procuring the conviction of his quaestor, P. Rutilius Rufus, under the Lex Sempronia (Manutius). See Pro M. Fonteio, c. 17 and the note, Vol. ii., and Ad Div. i. 9. 26: "scis quam graviter inimici ipsi illi Q. Scaevolae fuerint."

14. *edicto justitio*] This story is explained by the Schol. Ambros. Nasica had given notice of a 'justitium,' the effect of which was to stop all ordinary business, and Granius, who was a crier at auctions, would lose something by the 'justitium.' Granius replied to Nasica's question: 'No, I am vexed because the embassies are put off:' "voluit autem pudorem Nasicae consulis perstringere hoc amarissimo dicto. Nam legationes ab externis populis missae ad senatum solebant ordinari pro voluntate consulum; quas plerumque gratia, nonnunquam et accepta pecunia consules ordinabant, ut introduci ad Senatum possent" (Schol. Ambros.). T. has the reading 'legiones,' which has perhaps come from an abbreviation.

The expression 'rejectae legationes' occurs in Cicero (Ad Div. i. 4): "senatum haberi non posse mense Februario toto nisi perfectis aut rejectis legationibus." Wunder has a remark on the ambiguous meaning of 'rejicere legationes.' The words mean 'non audire,' when they are used absolutely; and they mean to 'put off to another time,' when a time is named, as in Cicero's letter to Quintus (ii. 3): "A. Kal. Febr. legationes in idus Febr. rejiciebantur."

domum decedens rogasset Granium, quid tristis esset, an quod rejectae auctiones essent?—immo vero, inquit, quod legationes.—Idem tribuno plebis, potentissimo homini, M. Druso, sed multa in re publica molienti, quum ille eum salutasset, ut fit, dixissetque, Quid agis, Grani? respondit, Immo vero tu, Druse, quid agis? Ille L. Crassi, ille M. Antonii voluntatem asperioribus facetiis saepe perstrinxit impune. Nunc usque eo est oppressa nostra arrogantia civitas ut, quae fuit olim praeconi in ridendo, nunc equiti Romano in plorando non sit concessa libertas. Quae enim umquam Plancii vox fuit contumeliae potius quam doloris? quid est autem umquam questus, nisi quum a sociis et a se injuriam propulsaret? Quum senatus impediretur quo minus, id quod hostibus semper erat tributum, responsum equitibus Romanis redderetur, omnibus illa injuria dolori publicanis fuit, sed eum ipsum dolorem hic tulit paullo apertius. Communis ille sensus in aliis fortasse latuit: hic, quod cum ceteris animo sentiebat, id magis quam ceteri et vultu promptum habuit et lingua. Quamquam, judices,—agnosco enim ex me—multa in Plancium quae ab eo numquam dicta sunt conferuntur. Ego quia dico aliquid aliquando, non studio adductus, sed aut contentione dicendi aut lacessitus, et quia, ut fit in multis, exit aliquando aliquid, si non perfacetum, at tamen fortasse non rusticum, quod quisque dixit, me id dixisse dicunt. Ego autem, si quid est quod mihi scitum esse videatur et homine ingenuo dignum atque docto, non aspernor; stomachor quum aliorum non me digna in me conferuntur. Nam quod primus scivit legem de publicanis,

He also shows that the 'legati' whom the senate would not receive were the 'legati' of Jugurtha, who were sent to Rome after P. Scipio Nasica and C. Calpurnius Bestia were declared consuls. The senate, when the question was brought before them by Bestia, refused to give the 'legati' a hearing (Sallust. Jug. c. 27).

The answer of Granius was intended to reflect on Nasica. The joke needs no explanation. Wunder has this remark on it: He says that Granius' repartee was the sharper, because the integrity of Nasica was so well known, for which he quotes after Garatoni the testimony of Diodorus (Excerpt.). The reply would have been sharper if it was well known that Nasica was a knave.

M. Druso] M. Livius Drusus the tribune (Index, Vol. ii. iii.). Granius' answer turns on the double meaning of 'Quid agis?' 'How do you do?' says Drusus: 'Nay,' says the impudent fellow, 'what are you doing?' He meant that he was doing mischief.—'ut fit:' 'as is usual,' 'as the fashion is.'

voluntatem] 'sensus in rem publicam,' their political opinions and measures (Ernesti). Wunder compares Phil. xiii. 6; In Catil. iii. 9.

nostra arrogantia] A. T. E. But Baiter has 'vestra,' though Wunder has alleged good reasons against it.—'Plancii vox:' Plancius the father, as Manutius says.

primus scivit legem] The Schol. Ambros. refers to his note, which is quoted on c. 13, and adds that when Caesar was consul he got a Lex passed which relieved the Publicani. Suetonius (Caesar, c. 20) tells us what it was: "Publicanos remissionem petentes tertia mercedum parte relevavit; ac ne in locatione novorum vectigalium immoderatius licerentur, propalam monuit." Garatoni gives the whole history of this matter at great length. Cicero (Ad Att. i.

tum quum vir amplissimus consul id illi ordini per populum dedit, quod per senatum, si licuisset, dedisset; si in eo crimen est, quia suffragium tulit, quis non tulit publicanus? si, quia primus scivit, utrum id sortis esse vis an ejus qui illam legem ferebat? Si sortis, nullum crimen est in casu; si consulis, splendor etiam Plancii, hunc a summo viro principem ordinis esse judicatum.

XV. Sed aliquando veniamus ad caussam, in qua tu nomine legis Liciniae, quae est de sodaliciis, omnes ambitus leges complexus es. Neque enim quidquam aliud in hac lege nisi editicios judices es secutus; quod genus judiciorum si est aequum ulla in re nisi in

17) says that the Publicani of Asia had given too much for their farm, and they prayed the Senate to cancel the bargain. Cicero was in favour of the Publicani; but Cato (Ad Att. i. 18) vigorously opposed their demand: "Cato, qui miseros publicanos, quos habuit amantissimos sui, tertium jam mensem vexat neque iis a senatu responsum dari patitur." This is the matter to which Cicero alludes in this chapter: "Quum senatus impediretur quominus," &c. Caesar in his consulship (B.C. 59) did nothing, or could do nothing for the Publicani in the Senate; but he got a Lex carried to the effect which is stated in the passage quoted from Suetonius. The Equites had given too much for their bargain, which had been made in the same year in which they prayed that it might be rescinded (B.C. 61).

But the Schol. Ambros. in the passage quoted on c. 13, says that the ground on which the Equites asked for a remission of a part of what they had agreed to pay, was the damage which they had sustained by a hostile incursion, and Mai adds in his note 'particularly in the Mithridatic war.' Such a loss would have been a good reason for granting their prayer (De Prov. Cons. 5, and the note). But Cicero in the letter (Ad Att. i. 17), instead of stating a loss in the Mithridatic war as the ground of the prayer of the Publicani, tells us simply that through excessive greediness they had offered too much; and he says "invidiosa res, turpis postulatio et confessio temeritatis." Besides, Cicero speaks of the bargain as a recent thing. And further, it was not possible that the claim could be made for losses during the Mithridatic war, for they had made this contract after the war was over, and Cn. Pompeius had returned to Rome B.C. 62.

Plancius' father voted first (primus scivit legem) in his 'tribus,' and his 'tribus' voted first. Festus quoted by Wunder: "*Niquiscivit:* Nam sciscito significat sententiam dicito ac suffragium ferto; unde scita plebis." See the passage in the De Domo, c. 30, and the note, Vol. iii.

per senatum, si licuisset] He says that Caesar would have granted this relief to the Publicani by a vote of the Senate, if he could have done it. As already observed, we do not know if he attempted it and failed through Cato's resistance, or whether he thought it easier to accomplish his purpose by a Plebiscitum. It seems however that an attempt was made to give the Equites this relief by a Sctum, and either by Caesar or somebody else. Caesar thus gained the good will of the Equites, and by his agrarian Lex and other measures he gained the Plebs. His design to make himself the master of the State was early formed and steadily pursued.

15. *nomine legis Liciniae . . . es secutus*] Cicero says that Laterensis affected to prosecute Plancius under the Lex Licinia, but that he charged him with such acts as were comprehended in the Leges de Ambitu, and that he had only applied that part of the Lex Licinia which fixed the way of naming the Judices.

editicios judices] See the Introduction.

ulla in re] Ernesti followed the fewer and worse MSS. in reading 'nulla,' which he thought that the Roman usage required. Wunder admits that the word 'nisi' can only be used, when the proposition which is opposed to that which follows 'nisi' is negative. But he shows by examples that it is not necessary that it should be negative in form, if it is negative in sense, as in this oration, c. 33: "quid est pietas, nisi voluntas grata in parentes?" Accordingly in this passage he takes 'si est aequum' to contain a negative by implication, "ut nostro in loco significet 'non est autem aecum ulla in re nisi,'" &c. He writes

hac tribuaria, non intelligo quamobrem senatus hoc uno in genere tribus edi voluerit ab accusatore neque eandem editionem transtulerit in ceteras caussas, de ipso denique ambitu rejectionem fieri voluerit judicum alternorum, quumque nullum genus acerbitatis praetermitteret, hoc tamen unum praetereundum putarit. Quid, hujusce rei obscura caussa est, an et agitata tum quum ista in senatu res agebatur, et disputata hesterno die copiosissime a Q. Hortensio, cui tum est senatus assensus? Hoc igitur sensimus: cujuscumque tribus largitor esset per hanc consensionem, quae

'secum,' which is the reading of T., and a common way of writing. See the note on 'quum' and 'cum,' Verr. ii. 3, c. 31, Vol. i.

hac tribuaria] 'In this matter of the tribes,' the naming of the tribes (editio) from which the Judices were to be taken.—'de ipso . . . ambitu:' if Plancius had been prosecuted under any of the Leges de Ambitu, the form of proceeding would have been different. The Schol. Ambros. says: "Differentia igitur accusatoris ostenditur ideo invadentis in legem Liciniam, quod ambitus probari non possit, de quo judices ex rejectione haberi soleant, aequalem scilicet numerum rejicientibus tam accusatore quam reo." See also In Vatin. c. 11.

ista in senatu res] This deliberation in the Senate took place when the Sctum was made, pursuant to which the Lex Licinia was proposed. Hortensius, who defended Plancius, had spoken before Cicero; and he had explained the object of the Lex. 'Cui tum' must refer to the time when the Sctum was made. Cicero continues, 'Hoc igitur sensimus:' 'this is what we meant,' we, the Senators, when we passed the Sctum; and he then goes on to state, using the indirect form (esset, &c.), what the Senate meant by the Sctum. His talk is however nothing to the purpose, for when we interpret a Law we do not turn to the debates which preceded the enactment in order to learn what was the purpose of the Law, but we look only to the words of the Law itself, and to its purpose.

Cicero says that the Senate thought that if any man had corrupted a tribe, the fact of the corruption would be best known to the men of the tribe. This is so plain that we might have found it out without Cicero's help. Accordingly the Senate thought that if the accused were tried by a jury taken from the tribes which he had corrupted, the same men would be both witnesses and jury. But the Senate might have considered that if the Judices happened to be the men who had voted for the briber, they might happen to acquit him contrary to their own knowledge. This is a hard form of trial (acerbum judicium); but still, says Cicero, if the defendant's own tribe, or a tribe with which he was most closely connected, was chosen as one of the tribes to take the jury from, the defendant could not object. All this is said to prepare the way for the next chapter.

per hanc consensionem] 'If a man bribed any tribe by means of that association, which is called more honourably than truly by the name of Sodalitas;' which means, if he used the 'sodalitates' for election purposes. Wunder sticks to his old explanation: 'Consensio' signifies those whom the candidates gained over in order to get the votes, in a word 'sodales,' as it plainly appears from the words 'quae nominaretur.'—'iis hominibus,' &c.: Wunder says, 'that is, those who were not bribed; for he who was guilty of Sodalicia had by no means given money to all the men of any tribe which he had desired to gain.' How does he know that he had not given money to all? It is true that he would give no more than he could help, but he would give as much, if he had it, as was necessary to secure the vote of the tribe, and to as many of the 'tribules' as were necessary; but, as I suppose, he would not pay if he did not get his election. If a candidate bribed a part, we cannot assume that the men to whom he had not given money would always know that he had given money to others. Cicero means this; there might be men among the jury who would know the fact of bribery, and how could they know it so well as by having been bribed?—'Being guilty of Sodalicia' is an inaccurate expression. We might as well say that a man is 'guilty of a club.' But Cicero says (c. 19), "in hoc sodaliciorum tribuario crimine." The

magis honeste quam vere sodalitas nominaretur, quam quisque tribum turpi largitione corrumperet, eum maxime iis hominibus qui ejus tribus essent esse notum. Ita putavit senatus, quum reo tribus ederentur eae quas is largitione devinctas haberet, eosdem fore testes et judices. Acerbum omnino genus judicii, sed tamen, si vel sua vel ea quae maxime esset cuique conjuncta tribus ederetur, vix recusandum. XVI. Tu autem, Laterensis, quas tribus edidisti? Terentinam, credo. Fuit certe id aequum, et certe exspectatum est, et fuit dignum constantia tua. Cujus tu tribus venditorem et corruptorem et sequestrem Plancium fuisse clamitas, eam tribum profecto severissimorum praesertim hominum et gravissimorum edere debuisti. At Voltiniam: libet etenim tibi nescio quid etiam de illa tribu criminari. Hanc igitur ipsam cur non edidisti? Quid Plancio cum Lemonia? quid cum Ufentina? quid cum Crustumina? Nam Maeciam, non quae judicaret, sed quae rejiceretur, esse voluisti. Dubitatis igitur, judices, quin vos M. Laterensis suo judicio non ad sententiam legis, sed ad suam spem ali-

Romans had a similar inaccurate expression when they said that a man was guilty or convicted of Repetundae.

16. *Terentinam*] 'Teretinam' T. E. as usual, and Baiter. But the tribe was called Terentina, from Terentum, as the learned say, Terentum being a place outside the walls in the Campus Martius, near the Tiber. The Atinates were included in the Terentina (Garatoni).

venditorem . . . sequestrem] See c. 22. Laterensis had not named the Terentina among the 'tribus' from which the jury was to be selected. Cicero says that he ought to have named it because this 'tribus' contained a great number of honourable men; and Wunder adds that the Judices from this 'tribus' would of all others have had the best evidence, if they knew that their 'tribules' had been corrupted. But if any of the bribed were among the Judices, they might have acquitted Plancius, though they knew that he was guilty; and if any who were not bribed were among the Judices, how were they to know that others had been bribed? If they did not know it, they could not convict Plancius, except they convicted him because they thought that he had bribed, and in that case they would have convicted without evidence. If they did know it, that knowledge was not evidence against Plancius, unless they had produced that evidence before the court like other witnesses; and if they had been made witnesses, they could not be jurymen, for where there is a trial by jury there are two parties to the evidence, one party who gives the evidence, and another party, the jury, whose business it is to set a proper value on the evidence. One man cannot perform the double part of giving evidence and forming an opinion upon it.

Ufentina] 'Oufentina,' Baiter. 'Ueientina' is the common reading. Wunder says that the best MSS. have 'Ufentina.' It is said that the old inscriptions have 'Oufentina.' — 'Crustumina:' 'Clustumina' T. E., Baiter. See Pro Balbo, c. 25. There may have been this variety in writing the name. "Hujus tribus XIV inscriptiones vidi, in quibus semel tantum CRU, semper vero vel CLU vel CLUST exaratum erat" (Onufr. Panvinio de Civ. Rom., quoted by Wunder).

Maeciam] Laterensis had selected the Lemonia, Ufentina, and Crustumina. Cicero asks, What had Plancius to do with them? Perhaps he means that Plancius was not charged with bribing them. If so, what tribes could more fairly be selected? Laterensis added a fourth, the Maecia, which he knew that Plancius would reject for some reason, but for what reason we do not know. Garatoni suggests that it was hostile to Plancius, and perhaps Laterensis belonged to it. And perhaps he did not. Who knows?

suo judicio] Laterensis chose the 'tribus' as he pleased, and he had power to do it, or Cicero would have told us that the jury

quam de civitate delegerit? dubitatis quin eas tribus, in quibus magnas necessitudines habet Plancius, quum ille non ediderit, judicarit officiis ab hoc observatas, non largitione corruptas? Quid enim potes dicere, cur ista editio non summam habeat acerbitatem, remota ratione illa quam in decernendo secuti sumus? Tu deligas ex omni populo aut amicos tuos aut inimicos meos aut denique eos quos inexorabiles, quos inhumanos, quos crudeles existimes? Tu me ignaro, nec opinante, inscio, notes et tuos et tuorum necessarios,

was not rightly constituted. He did not, says Cicero, follow the 'sententia legis,' the meaning of the Lex; but if he had not, Plancius could not have been tried. The 'sententia legis' is merely the opinion expressed by the Senate when they made the Sctum previous to the enacting of the Lex (quam in decernendo secuti sumus); and this, as I have observed, had nothing to do with Laterensis' choice. Again Cicero says 'de civitate,' as if Laterensis had selected the Judices. Wunder observes that this is properly said, because the prosecutor named four 'tribus,' and after one of them had been rejected by the defendant, selected the Judices from the three. But there is no proof that he selected the Judices. Ernesti connected 'spem aliquam' with 'de civitate,' which, as Wunder observes, is wrong.

dubitatis quin] Cicero now concludes that by not choosing the 'tribus' with which Plancius was most closely connected, Laterensis admitted that these 'tribus' had not been bribed; and he enforces this by adding, 'For what can you allege against this selection being considered most unfavourable to the defendant, if no regard has been paid to the reasons which moved the Senate when they made the Sctum?' I have followed Wunder, who writes 'potes,' though all the MSS. have 'potest.'

It is a little difficult to follow the argument. The 'editio' of the Judices by the prosecutor was in any case a hard thing for a defendant (acerbum omnino genus), even if the prosecutor named the defendant's own 'tribus,' or any 'tribus' with which he was most closely connected. But it would be the greatest hardship to the defendant (summa acerbitas), if the prosecutor paid no respect to the meaning of the Senate when they made the Sctum, if he did not name the 'tribus' which he declared to have been corrupted by the defendant. Accordingly we must conclude, Cicero means, either that Laterensis was guilty of this extreme severity, when he did not name the Terentina and the Voltinia; or if he was not, we must assume that he did not believe that the Terentina and Voltinia had been corrupted by Plancius.

Cicero's argument would be good for nothing if he had not founded it on the intention of the Senate when the Sctum was made. For if Laterensis could name any four 'tribus,' there was nothing to say against him. If he did not name the two 'tribus' which he had declared to be corrupted, he only did what any prudent prosecutor would have done; and he chose those 'tribus' which he considered either impartial or favourable to himself. It might also be replied that if Laterensis by not choosing the Terentina and Voltinia had declared that they were not bribed, he had complied with the meaning of the Senate; and as he had chosen other 'tribus,' it might be said that we must conclude that he supposed that these 'tribus' were bribed; and so here also he had complied with the meaning of the Senate. But Cicero has anticipated this, for he tells us that Laterensis had said that the Terentina and the Voltinia were bribed, and the prosecutor therefore could not escape from Cicero's conclusion, except by denying his premises. If these two 'tribus' were not bribed, though they were charged with being bribed, the Judices, if they had been selected from them, might for this reason have been favourable to Plancius, and so Cicero might argue that Laterensis had done the defendant a great wrong in not choosing these tribes. Whether they were bribed or not, Cicero would not have objected to these tribes being chosen, for Plancius was most intimately connected with them, and had many friends in them.

This is a good deal to say on this matter; but the thing is not so easy as it may appear. Cicero seems to me to have prepared the way for a conclusion that cannot be evaded, but the fallacy lies in the previous chapter. The ancient orators excelled in these fine-drawn arguments, and it is often difficult to detect their fallacies.

Tu me . . . omnibus iniquos] Wunder

vel iniquos vel meos vel etiam defensorum meorum, eodemque adjungas quos natura putes asperos atque omnibus iniquos? deinde effundas repente, ut ante consessum meorum judicum videam quam potuerim qui essent futuri suspicari, apud eosque me ne quinque quidem rejectis, quod in proximo reo de consilii sententia constitutum est, cogas caussam de fortunis omnibus dicere? Non enim, si aut Plancius ita vixit ut offenderet sciens neminem, aut tu ita errasti ut eos ederes imprudens, ut nos invito te tamen ad judices non ad carnifices veniremus, idcirco ista editio per se non acerba est. XVII. An vero nuper clarissimi cives nomen editicii judicis

has inclosed these words in [ ]. He believes them to be spurious, and gives his reasons at great length in the Prolegomena. I doubt if all is right in the sentence, and there are some solid objections against it; but a discussion of them would take up more than Wunder's three quarto pages, if his objections were stated and the possible answers were given. I leave the words as they are, with the remark, that if they were omitted, the sentence would seem to be the better for the omission.

in proximo reo] "Jam de sodaliciis causam dixerat P. Vatinius eodem defendente M. Cicerone; cujus exemplo negat iniquitate Laterensis esse Plancio permissum quinque saltem judices rejicere, quo manifesta sit improbitas obstinate conitentis inimici ut reus innocens opprimatur conspiratione magis iniquorum judicum quam criminis veritate convictus" (Schol. Ambros.). P. Vatinius is the man whom Cicero had so foully abused (Introd. to the oration In Vatin.). Asconius (Ad Orat. Pro Scauro) says that Cicero defended Vatinius in the consulship of L. Domitius Ahenobarbus and Appius Claudius Pulcher (B.C. 54). This was the year in which he defended Scaurus and Plancius. He sent to Gallia to his brother Quintus, who asked for them, the speeches for Scaurus and Plancius. Nothing is said of the speech Pro Vatinio. Perhaps Cicero might not care if it perished.

It had been settled in Vatinius' case by the Judices (de consilii sententia) that five Judices could be challenged. But if the Lex Licinia, under which Plancius was tried, allowed no challenge, that is an answer to what Cicero says here; and it is plain (c. 17) that the Lex did not.

We cannot reconcile all these things. If a challenge was allowed in Vatinius' case, when he was tried under the Lex Licinia, we cannot tell why it was not allowed in Plancius' case. He says that the jury, or a jury (consilium), decided in Vatinius' case, which I do not understand: a jury deciding whether or not the Lex should be observed.

Non enim . . . non acerba est] Wunder compares a passage in the Pro Sulla, c. 33: "Vos rejectione interposita nihil suspicantibus nobis repentini in nos judices consedistis, ab accusatoribus delecti ad spem acerbitatis, a fortuna nobis ad praesidium innocentiae constituti." Cicero, says the Schol. Ambros., had said so much about the Judices that there was some reason to fear that he might offend them, but Cicero meets this difficulty by saying, that though Laterensis wished to have men on the jury who should be mere executioners, yet Plancius had got real Judices. Though this was so, it did not make the 'editio' in itself a less hardship to the defendant.

17. *clarissimi cives*] The Schol. Ambros. has a note here which ends "Et hac in parte commemorationem videtur facere Tullius ejus temporis quo Ser." It is conjectured that he wrote 'Servius Sulpicius,' and he may probably allude to what Cicero says of Sulpicius and the 'editicii judices' in the oration Pro Murena, c. 23. Cicero is alluding to some Lex which was not carried. It had been proposed that out of CXXV Judices of the equestrian class, the accused might challenge LXXV, and retain, that is, return unchallenged (referret), L; but the 'clarissimi cives' stirred heaven and earth, as we say, to prevent the Lex being carried. This is all that can be said about this obscure matter.

The proposed Lex was, we may conjecture, de Ambitu. Ferratius explains it thus: the prosecutor was to name the CXXV, and Wunder follows him, but Cicero says nothing of the kind. He does not tell us how the CXXV were chosen, except that we infer from the latter part of the sentence that they were taken in some way from the Delecti judices or the Album judicum. But how must we explain 'editicii judicis?'

non tulerunt, quum ex CXXV judicibus, principibus equestris ordinis, quinque et LXX reus rejiceret, L referret, omniaque potius permiscuerunt quam ei legi conditionique parerent; nos neque ex delectis judicibus, sed ex omni populo, neque editos ad rejiciendum, sed ab accusatore constitutos judices ita feremus ut neminem rejiciamus? Neque ego nunc legis iniquitatem queror, sed factum tuum a sententia legis doceo discrepare; et illud acerbum judicium, si, quemadmodum senatus censuit populusque jussit, ita fecisses, ut huic et suam et ab hoc observatas tribus ederes, non modo non quererer, sed hunc iis judicibus editis qui idem testes esse possent absolutum putarem; neque nunc multo secus existimo. Quum enim has tribus edidisti, ignotis te judicibus uti malle quam notis judicavisti: fugisti sententiam legis; aequitatem omnem rejecisti; in tenebris quam in luce caussam versari maluisti. Voltinia tribus ab hoc cor-

for Cicero is speaking of 'editicii judices.' Wunder (see the Introduction to this oration) says that 'editicii judices' are those "qui ab accusatore ita sunt constituti ut nemo eorum rejici ab reo possit; quam contra editi dicuntur, qui sunt ab accusatore delecti ita ut rejici ab reo possint." And he quotes cc. 15, 16, and this passage (c. 17) to prove his assertion. The passage in the Murena, c. 23, refers to the same proposal as this: "idem editicios judices esse voluisti ut odia occulta," &c.; and in the note on that passage I have adopted Wunder's explanation, for it was not my business then to investigate this matter. Servius (Ad Virg. Eclog. iii. 50) has "Consentio etiam ad editicium judicem: Editicius autem judex est quem una pars eligit;" and then he quotes Cicero, "Neque enim quidquam aliud . . . sequutus" (c.15). But Servius' definition is worth nothing here, for he means that one party shall propose, and the other shall consent.

That the prosecutor should in any case name the jury is a fact which cannot be proved, is highly improbable, and contrary to Roman principle: "Neminem majores nostri non modo de existimatione cujusquam, sed ne pecuniari quidem de re minima esse judicem, nisi qui inter adversarios convenisset" (Pro Cluentio, c. 43). If the prosecutor took the Judices out of the Album, that does not prove that he selected them. If we admit that the purpose of this Lex, to which Cicero alludes, was to enable the prosecutor to choose CXXV out of the Delecti judices, and the defendant to reject more than half of them, this proves that 'editicii judices' might be so called, if they were in some way chosen by the prosecutor out of the Delecti, and yet more than half could be challenged. But even this was resisted, as Cicero tells us. What did the Licinia? Did it enable the prosecutor to name the Judices out of the three 'tribus?' Certainly not. Cicero never says any thing stronger than 'has tribus edidisti,' where he is using precise words.

sententia legis] Wunder admits that Cicero is not telling the truth. There was nothing of the kind in the Lex (see c. 16, note). Yet he here says, "quemadmodum senatus censuit populusque jussit," which, if taken in the plain sense of the words, means that the jury was not constituted as the Lex required. But it was, or Plancius could not have been tried. In the words 'quemadmodum senatus censuit' the fallacy lies, for it cannot be in 'populus jussit,' which is only another name for the Lex.

neque nunc multo secus] He expects Plancius to be acquitted. This oration was revised after it was delivered, and of course contained this passage, in which Cicero expresses his opinion that Plancius will be acquitted. But I do not see that any probable conclusion as to the result of the trial can be derived from it.—'ignotis:' Judices who knew nothing of the facts, for these 'tribus' were not charged with being corrupted. The orator complains of 'ignoti judices' being selected; but his complaint is ridiculous. The best jury is composed of honest men, who know nothing of the matter on which they have to give their judgment, except what they hear from the evidence.

rupta: Terentinam habuerat venalem. Quid diceret apud Voltinienses aut apud tribules suos judices?—Immo vero tu quid diceres? quem judicem ex illis aut tacitum testem haberes, aut vero etiam excitares? Etenim si reus tribum ederet, Voltiniam fortasse Plancius propter necessitudinem ac vicinitatem, suam vero certe edidisset; et, si quaesitor [huic] edendus fuisset, quem tandem potius quam hunc C. Alfium quem habet, cui notissimus esse debet, vicinum, tribulem, gravissimum hominem justissimumque, edidisset? cujus quidem aequitas et ea voluntas erga Cn. Plancii salutem, quam ille sine ulla cupiditatis suspicione prae se fert, facile declarat non fuisse fugiendos tribules huic judices, cui quaesitorem tribulem exoptandum fuisse videatis.

XVIII. Neque ego nunc consilium reprehendo tuum, quod eas tribus quibus hic maxime notus erat non edideris, sed a te doceo consilium non servatum senatus. Etenim quis te tum audiret illorum aut quid diceres? Sequestremne Plancium? respuerent aures, nemo agnosceret, repudiarent. An gratiosum? illi libenter audirent; nos non timide confiteremur. Noli enim putare, Laterensis, legibus istis, quas senatus de ambitu sanciri voluerit, id esse actum ut suffragatio, ut observantia, ut gratia tolleretur. Semper fuerunt boni viri, qui apud tribules suos gratiosi esse vellent. Neque vero tam durus in plebem noster ordo fuit, ut eam coli nostra modica liberalitate noluerit; neque hoc liberis nostris interdicendum est, ne observent tribules suos, ne diligant, ne conficere necessariis suis suam tribum possint, ne par ab iis munus in sua petitione respectent: haec enim plena sunt officii, plena observantiae, plena etiam antiquitatis. Isto in genere et fuimus ipsi, quum ambitionis

quem . . . excitares] 'What Judex from among them would you either have as a silent witness, or in fact even call on as a witness?' He speaks as if a Judex might be examined as a witness; but I do not think that he means to say that.

si quaesitor [huic] edendus] 'Huic' is only in B. and E. (Wunder.) He thinks that it is necessary, for if it were omitted, the meaning would be that a Quaesitor was not to be named at all, and yet the prosecutor named the Quaesitor. There is no proof that the prosecutor named the Quaesitor. 'Huic edendus' does not mean 'named by Plancius,' but 'named for him,' as above, 'ut huic . . . ederes.' Accordingly I think the passage proves that Laterensis did not name the Quaesitor, whether we read 'huic' or not.

C. Alfium] See the last chapter of this oration.

18. *Sequestremne*] See the note on 'sequestrem fuisse' in this chapter.—'repudiarent:' Wunder thinks that this word is not genuine.—'sanciri:' the emendation of Manutius. The common reading is 'sancire;' but, as Manutius observes, "non sanciebantur leges a senatu, sed a populo;" which means that the Populus ratified Leges, and the penalty (sanctio) which they contained.

conficere] 'to gain.' Garatoni compares the Terentian expressions, 'conficere nuptias, argentum.'—'plena antiquitatis:' 'quite in agreement with long-continued practice.' See Pro Sestio, c. 62, and the note.

nostrae tempora postulabant, et clarissimos viros esse vidimus, et hodie esse volumus quam plurimos gratiosos. Decuriatio tribulium,

volumus . . . gratiosos] "*Volumus* T. E., *videmus* Orelli," Baiter. Wunder, who has 'videmus,' gives no authority for it, nor does he mention 'volumus' as the reading of B., which is Baiter's T. Wunder objects to the word 'gratiosos;' and there seems some reason in his objections if we read 'videmus.'

Decuriatio] We may conjecture what this means. Literally 'decuriare' means to distribute people into tens, but there is no occasion to assume that Cicero means exactly tens. Wunder supposes that a 'decurio' was placed over each 'decuria,' and that his business was to make the men of his 'decurio' vote as he pleased, and in favour of his employer. He admits that 'decurio' is never used in this sense, but he has no doubt that those who were called Sodales are those whom he has named Decuriones. This is all guess, and bad guessing. The voters of a 'tribus' were divided into companies, and probably some man looked after the votes of each company. By distributing them into small bodies under a manager, it might be more easy to find out how they voted, for each of the members would watch his neighbour. We cannot conjecture how the vote of each member would be ascertained, as the vote was by ballot; but this division into 'decuriae' was partly made, we may assume, to give the members of the 'decuriae' the opportunity of watching one another at the ballot as well as they could. If each voter had a set of voting tablets given to him at the polling place, he would use only those which he put into the box; and if he were allowed to retain the rest, he might be required to produce them to his captain in order to give some kind of evidence that he had done his duty. The remedy for this would be to require the voter, after he had deposited his ballot, to throw the tablets which he did not use into a waste box at the hustings.

Wunder supposes 'descriptio populi' to be a like division into classes of the rest of the people who did not belong to the candidate's tribe, and that captains were set over them to work as in the matter of the 'decuriae.' I do not accept this explanation.

There is great difficulty in ascertaining the Roman way of voting. A letter of Cicero (Ad Att. i. 14) seems to show that at the voting for a Lex two voting tablets were given to each voter, one of which tablets was marked with A. (antiquo), and the other with U. R. (uti rogas). Wunder remarks (Var. Lect. p. cxlviii) that it is the common opinion that the practice was the same in voting for the Magistratus; but he observes that there is no evidence to prove this, and that there is evidence against it. He quotes a passage of Suetonius (Caesar, c. 80) as evidence that on the occasion there mentioned the citizens themselves wrote the names of the candidates on the 'tabellae.' He also quotes a passage from Plutarch (Cato Min. c. 46), where it is said that Cato discovered fraud at the voting by observing that all the tablets were in one handwriting. The commentators do not agree about the meaning of this passage, but Wunder concludes that the passage proves that each citizen was required to write his own 'tabella' at the election for magistrates. But we may rejoin that Plutarch may have misunderstood the matter; and secondly, what must a voter do who could not write? For we shall not readily admit that every voter could write. Again, he quotes a passage of Pliny (Epp. iv. 25), where he is speaking of the vote by ballot at an election. Pliny says: "At the last comitia on some of the voting tablets there were written many laughable and some obscene words; on one tablet, in place of the names of the candidates, names of voters were found." But the practice in Pliny's time may not have been the same as in Cicero's time. These tablets with obscene words on them may have been thrown in by voters, instead of the proper tablets. Some wag certainly put in the one tablet with voters' names on it, instead of the candidates'. What did the Romans care about voting in Pliny's time? Wunder's remark is worth reading: "Do you suppose that such tablets, with merry and obscene words on them, were given to the people by those whose duty it was to present the voting tablets to them?" No, we shall not suppose that, when there is an easier explanation. We may assent to one conclusion from this passage, that the names of the candidates for whom the people voted were written on one tablet in Pliny's time, and that the people wrote on a tablet, which was presented to them at the voting place, for it is agreed that the voting tablets were supplied to the people. But what a heap of confusion there would be if the voters wrote the names at the polling

descriptio populi, suffragia largitione devincta, severitatem senatus, et bonorum omnium vim ac dolorem excitarunt. Haec doce, haec profer, huc incumbe, Laterensis, decuriasse Plancium, conscripsisse, sequestrem fuisse, pronuntiasse, divisisse: tum mirabor te iis armis uti quae tibi lex dabat noluisse. Tribulibus enim judicibus, non modo severitatem illorum, si ista vera sunt, sed ne vultus quidem ferre possemus. Hanc tu rationem quum fugeris, quumque eos judices habere nolueris, quorum in hujus delicto quum scientia certissima, tum dolor gravissimus esse debuerit, quid apud hos dices, qui abs te taciti requirunt, cur hoc sibi oneris imposueris, cur se potissimum delegeris, cur denique se divinare malueris quam eos qui scirent judicare? XIX. Ego Plancium, Laterensis, et ipsum gratiosum esse dico, et habuisse in petitione multos cupidos sui gratiosos, quos tu si sodales vocas, officiosam amicitiam nomine inquinas criminoso; sin, quia gratiosi sint, accusandos putas, noli mirari te id, quod tua dignitas postularit, repudiandis gratiosorum amicitiis non esse assecutum. Nam ut ego doceo gratiosum esse in sua tribu Plancium, quod multis benigne fecerit, pro multis spoponderit, in operas plurimos patris auctoritate et gratia miserit,

place; what a number of illegible scrawls; to say nothing of those who could not write, and must ask somebody else to write for them. A fine opportunity for a knave to write the names of men whom the poor elector did not wish to vote for, or even something 'joculare' or 'foedum dictu.' It would be hard to resist the temptation.

It is very likely that the voting was ill managed, that the secrecy of the ballot was not always secured, though the object of the ballot was to secure secrecy; and as the ballot did not stop bribery, it is probable that the ingenuity of election agents devised many fraudulent tricks. Still I do not think that the voters wrote their names on the tablets in Cicero's time.

vim ac dolorem] A usual expression, says Wunder, who thinks that Cicero would not have used it if he had not joined 'dolor' to 'vis.' Cobet, quoted by Baiter, proposes 'iram' for 'vim.'

Haec doce . . . sequestrem] He comes to the point. Let Laterensis prove his case; and 'then,' he says, 'I shall wonder why you did not use the weapons which the Lex presented to you;' why you did not name Plancius' tribe, and any other tribe which you say that he had bribed. Ernesti explains 'sequestrem' to be him who promises money for votes, and his own money. But 'sequester' has not this meaning. It is a man who works for another in the business of corruption, who holds the money and pays it when the work is done. (Verr. Act 1, c. 12, and the note.) Wunder supposes that Plancius is called 'sequester' because he made a coalition (coitio) with Plotius (c. 22), and in consideration of a sum of money lodged in his hands, gave up or sold to Plotius certain tribes, as in like manner Plotius must be supposed to have given up to Plancius certain 'tribus,' which he had secured. I do not think that this explanation is good; but I have none to offer.

'Pronuntiari' means to promise money; 'dividere' to pay it among the voters.

19. *cupidos sui*] See Pro Sulla, c. 27, and the note (Vol. iii.).—'Nam ut ego:' T. E. have 'Nam.' Wunder has 'Jam.'

spoponderit] 'He had become security for many.' (Pro Quintio, c. 23, Vol. ii.) In order to secure his election Plancius had prepared the way by helping people in their difficulties; and he had got places for many through his father's influence. Cicero, who says this, of course considered it one of the fair ways of getting popularity. The influence of Plancius' father as a great man among the Publicani, found places for many as collectors to the Societates, clerks and

quod denique omnibus officiis per se, per patrem, per majores suos totam Atinatem praefecturam comprehenderit; sic tu doce sequestrem fuisse, largitum esse, conscripsisse, tribules decuriavisse. Quod si non potes, noli tollere ex ordine nostro liberalitatem, noli maleficium putare esse gratiam, noli observantiam sancire poena.

Itaque haesitantem te in hoc sodaliciorum tribuario crimine ad communem ambitus caussam contulisti, in qua desinamus aliquando, si videtur, vulgari et pervagata declamatione contendere. Sic enim tecum ago. Quam tibi commodum est tribum unam delige: tu doce, id quod debes, per quem sequestrem, quo divisore corrupta sit: ego si id facere non potueris, quod, ut opinio mea fert, ne incipies quidem, per quem tulerit docebo. Estne haec vera contentio? placetne sic agi? Num possum magis pedem conferre, ut aiunt, aut propius accedere? Quid taces? quid dissimulas? quid tergiversaris? Etiam atque etiam insto atque urgeo, insector, posco, atque adeo flagito crimen; quamcumque tribum, inquam, delegeris, quam tulerit Plancius, tu ostendito si poteris vitium; ego qua ratione tulerit docebo. Neque erit haec alia ratio Plancio ac tibi, Laterensis. Nam ut, quas tribus tu tulisti, si jam ex te requiram, possis quorum studio tuleris explicare, sic ego hoc contendo, me tibi ipsi adversario cujuscumque tribus rationem poposceris redditurum.

XX. Sed cur ego sic ago? quasi non comitiis jam superioribus sit Plancius designatus aedilis; quae comitia primum habere coepit consul quum omnibus in rebus summa auctoritate, tum harum ipsarum legum ambitus auctor; deinde habere coepit subito praeter opinionem omnium, ut ne si cogitasset quidem quispiam largiri, daretur spatium comparandi. Vocatae tribus, latum suffragium, diribitae, renuntiatae. Longe plurimum valuit Plancius: nulla largi-

the like. 'In operis esse' is the common expression (Verr. ii. 3, c. 41, and the note), and 'operas dare' means to be employed for the Publicani (Verr. ii. 2, c. 70).

haesitantem] 'Floundering,' as we say, 'in this charge of corrupting the tribes by means of Sodalicia,' he turns round and charges Plancius with bribery generally, not being able to prove that he was guilty under the Lex Licinia.

Quam tibi commodum est] 'Any tribus you please;' a common form of expression, as in Verr. ii. 3, c. 14: "quantum commodum est aufert."—'pedem conferre:' a proverbial expression. It means nearly the same as 'manum conferre.'—'Neque erit,' &c.: 'Nor will these terms be different for you and Plancius;' as he explains. Plancius can show how he got the votes of the tribes which voted for him as easily as Laterensis can show how he got the votes of any of the tribes.

20. *jam superioribus*] The 'comitia' of the preceding year, B.C. 55, which were deferred for some reason to the year B.C. 54 (see the Introduction). The consul was M. Licinius Crassus, who proposed the Lex de Sodaliciis.

diribitae] T. E. The common reading is 'descriptae.' After 'diribitae' Wunder inserts 'tabellae,' because 'diribere' means 'tabellas in cistas conjectas disponere,' and 'diribitae' cannot be applied to 'tribus.' But then he sees that 'renuntiatae' is im-

tionis nec fuit, nec esse potuit suspicio. Ain tandem, una centuria praerogativa tantum habet auctoritatis, ut nemo umquam prior eam tulerit quin renuntiatus sit aut iis ipsis comitiis consul aut certe in illum annum: aedilem tu Plancium factum miraris, in quo non exigua pars populi, sed universus populus voluntatem suam declararit, cujus in honore non unius tribus pars, sed comitia tota comitiis fuerint praerogativa? Quo quidem tempore, Laterensis, si id facere voluisses, aut si gravitatis esse putasses tuae, quod multi nobiles saepe fecerunt, ut, quum minus valuissent suffragiis quam putassent, postea prolatis comitiis prosternerent se et populo Romano fracto animo atque humili supplicarent, non dubito quin omnis ad te conversura fuerit multitudo. Numquam enim fere nobilitas, integra praesertim atque innocens, a populo Romano supplex repudiata est. Sed si tibi gravitas tua et magnitudo animi pluris fuit, sicut esse debuit, quam aedilitas, noli, quum habeas id quod malueris, desiderare id quod minoris putaris. Equidem primum ut honore dignus essem maxime semper laboravi; secundo ut existimarer; tertium mihi fuit illud, quod plerisque primum est, ipse honos, qui iis denique debet esse jucundus, quorum dignitati populus Romanus testimonium, non beneficium ambitioni dedit.

XXI. Quaeris etiam, Laterensis, quid imaginibus tuis, quid ornatissimo atque optimo viro patri tuo respondeas mortuo. Noli ista meditari, atque illud cave potius, ne tua ista querela dolorque nimius ab illis sapientissimis viris reprehendatur. Vidit enim pater tuus Appium Claudium nobilissimum hominem, vivo patre

properly applied to 'tabellae,' and he proposes to erase it, and he also urges that it disturbs the equal balance of the members of the sentence. So by putting in one word and striking out another, he makes it all clear. He also explains how the blunder in the text might have been made. If we assume that 'renuntiatae' was written over 'tabellae' by an 'interpres,' and then that the superscribed word expelled the subscribed word, we have the whole history. He shows that this has often happened in this speech. As the text stands, the tribes were 'diribitae, renuntiatae,' a way of saying that the votes of the tribes were 'diribitae, renuntiatae.' If there were no greater difficulties than this in the oration, it would not need so many notes.

centuria praerogativa] If the vote of the 'centuria,' which votes first, determines the votes of those which vote after, Plancius' prior election made his second election certain.

Wunder has 'Ain tandem' in place of the common reading 'An tandem;' and Baiter also. Wunder says that 'Ain tandem' has the same meaning as 'Quid tandem.'

repudiata est] 'rep. est,' E.; 'rep. sunt,' T.

secundo] Goerenz (Cic. De Legg. i. 13) says that this is the only passage, that he is acquainted with, in which 'secundo' is used without 'loco' (Wunder). Bake remarks that in the passage in the De Legg. (i. 13) two of his MSS. omit 'loco' after 'secundo.' He supposes that the Romans said both 'secundo' and 'secundo loco.'

quorum dignitati] 'To whose merit the Roman people have given a testimony, and have not conferred an office for their canvassing.'

21. *Appium Claudium*] See De Harusp.

suo, potentissimo et clarissimo civi C. Claudio, aedilem non esse factum et eundem sine repulsa factum esse consulem: vidit hominem sibi maxime conjunctum egregium virum L. Volcatium, vidit M. Pisonem ista in aedilitate offensiuncula accepta summos a populo Romano esse honores adeptos. Avus vero tuus et P. Nasicae tibi aediliciam praedicaret repulsam, quo cive neminem ego statuo in hac re publica fortiorem, et C. Marii, qui duabus aedilitatis acceptis repulsis septies consul est factus, et L. Caesaris, Cn. Octavii, M. Tullii, quos omnes scimus aedilitate praeteritos consules esse factos. Sed quid ego aedilicias repulsas colligo? quae saepe ejusmodi habitae sunt, ut iis qui praeteriti essent benigne a populo factum videretur. Tribunus militum L. Philippus, summa nobilitate et eloquentia, quaestor C. Caelius, clarissimus ac fortissimus adolescens, tribuni plebis P. Rutilius Rufus, C. Fimbria, C. Cassius, Cn. Orestes facti non sunt, quos tamen omnes consules factos scimus esse. Quae tibi ultro pater et majores tui non consolandi tui gratia dicent, neque vero quo te liberent aliqua culpa, quam tu vereris ne a te suscepta videatur, sed ut te ad istum cursum tenendum quem a prima aetate suscepisti cohortentur. Nihil est enim, mihi crede, Laterensis, de te detractum: detractum dico? si me hercule vere quod accidit interpretari velis, est aliquid etiam de virtute significatum tua. XXII. Noli enim existimare non magnum quendam motum fuisse illius petitionis tuae, de qua ne aliquid jurares destitisti. Denuntiasti homo adolescens quid de summa re publica sentires, fortius tu quidem quam nonnulli de-

Resp. c. 12, Vol. iii.—'ista in:' Priscian (iii. 6, 34), T. E. and Baiter.

P. Nasicae] P. Nasica Serapio, the murderer of T. Gracchus, and a man whom Cicero affected greatly to admire (In Cat. i. 1). Most of the other persons mentioned in this chapter are among Cicero's stock characters. It is tedious to repeat who they are, and it would be nothing to the purpose here.—'duabus . . . repulsis:' 'duabus aedilitatibus repulsus:' E., Wunder. See Plutarch, Marius, c. 5.

benigne a populo factum] The people may be said to have done them a service in refusing them the curule aedileship, which was an office of great cost.

22. *ne aliquid jurares*] See c. 5. "Existimamus igitur eum legem Juliam significare, quam Caesar consul agrariam tulerat de viris (sic) creandis et per seditionem, quantum se habet fides historiae, et M. Bibulo servante de caelo. In hanc Laterensis videtur jusjurandum suum dicere noluisse—tamen M. Tullius non expressit ipsam legis Juliae mentionem ne Caesaris animus laederetur" (Schol. Vat.). This note shows the value of the Schol. Vat. The conjecture is probable enough that Cicero would avoid saying any thing about the Campanian Lex that might displease Caesar, for he was corresponding with Caesar regularly in this year (B.C. 54) and was very anxious to maintain his good opinion. Quintus Cicero also went this year to join Caesar, whom he accompanied in his second expedition to Britain. Cicero says in a letter written about the end of September or the beginning of October B.C. 54, that he had finished the speeches for Scaurus and for Plancius, which Quintus wished to have; and it is probable that they were sent to Quintus on his return to Gallia from Britain. They would have been pleasant reading for him in his winter quarters in Belgium, if he had not been so terribly plagued by the enemy. (B. G. v. c. 38, &c.)

functi honoribus, sed apertius quam vel ambitionis vel aetatis tuae ratio postulabat. Quamobrem in dissentiente populo noli putare nullos fuisse, quorum animos tuus ille fortis animus offenderet, qui te incautum fortasse nunc tuo loco demovere potuerunt, providentem autem et praecaventem numquam certe movebunt.

An te illa argumenta duxerunt? Dubitabitis, inquit, quin coitio facta sit, quum tribus plerasque cum Plotio tulerit Plancius?—An una fieri potuerunt, si una tribus non tulissent?—At nonnullas punctis paene totidem.—Quippe, quum jam facti prope superioribus comitiis declaratique venissent; quamquam ne id quidem suspicionem coitionis habuerit; neque enim umquam majores nostri sortitionem constituissent aediliciam, nisi viderent accidere posse ut competitores pares suffragiis essent. Et ais prioribus comitiis Aniensem a Plotio Pedio, Terentinam a Plancio tibi esse conces-

illa argumenta] What he is going to mention, 'Dubitabitis . . . Plancius?' To this question Cicero replies 'An . . . tulissent?' 'could they have been elected together, if they had not together got the votes of the tribes?' Laterensis still insists, 'At . . . totidem:' 'But they got some tribes by nearly the same number of votes:' "Puncta enim hic non aliter quam in defensione Murenae suffragia significant" (Schol. Vat.).—'quippe:' 'to be sure,' says Cicero, 'this was a matter of course, since they had been almost elected and returned at the former comitia;' though, he adds, there was then no suspicion of a coalition, and mere equality of votes proves nothing, because it had been foreseen that candidates might have an equal number of votes, and it was provided that the election should then be determined by lot.

Wunder has a long note on this passage; much longer than is necessary. The passage is plain if we distinguish what Cicero says from what Laterensis is supposed to say. The suspicion of 'coitio,' for there was no proof, nor does it appear that 'coitio' itself was illegal, was derived from the fact that the majority of Plancius and of Plotius was made by nearly the same tribes. Wunder supposes a case in which each might have a majority of the tribes, and yet each should have only a few tribes the same as the other. It requires no great sagacity to see that out of thirty-five votes Plancius might have nineteen, and Plotius sixteen; and if Plotius had two votes more out of the nineteen, he would have eighteen in all; and yet Plancius and Plotius would then have only two votes in common. Wunder remarks this to show that Cicero's 'An una . . . tulissent' is no answer. But if each of the successful candidates got a much larger part of the thirty-five votes than nineteen, what then? Cicero's answer would be complete. Nor, if the state of the poll had been what Wunder supposes, would that have furnished a presumption against a coalition, for it might have been agreed that Plotius should direct all his canvass to one half of the tribes, and Plancius to the other half, and so one might be safe with a little help from the other. But there is no end of argumentation on such a matter.

Aniensem] The 'tribus' of Plotius, as the Terentina was the 'tribus' of Plancius, which we might conclude, if Cicero had said nothing else; but he adds 'jacturam suarum tribuum.'—'ne in angustum venirent:' at the second election Laterensis says, Plotius did not help Pedius, nor did Plancius help Laterensis, each with his own 'tribus,' for they feared that they might want the vote of these 'tribus' themselves. Cicero argues that there is no consistency (convenit) in this assertion, that Pedius and Plancius were willing to do this before the first election, when the result was uncertain, and should refuse to do the same again when the result was known, and they saw that they were secure for the next election.—'angustias:' "ipsius Laterensis haec verba fuisse, quibus significaverit, ne suffragiis necessariis privarentur, ex sequentibus intelligitur, in quibus Cicero ridiculum hoc loquendi genus reddit" (Wunder).

sam; nunc ab utroque eas avulsas ne in angustum venirent. Quam convenit nondum cognita populi voluntate hos, quos jam tum conjunctos fuisse dicis, jacturam suarum tribuum, quo vos adjuvaremini fecisse; eosdem, quum jam essent experti quid valerent, restrictos et tenaces fuisse? Etenim verebantur, credo, angustias, quasi res in contentionem aut in discrimen aliquod posset venire. Sed tamen tu A. Plotium, virum ornatissimum, in idem crimen vocando indicas eum te arripuisse a quo non sis rogatus? Nam quod questus es plures te testes habere de Voltinia quam quot in ea tribu puncta tuleris, indicas aut eos testes te adducere, qui quia nummos acceperint te praeterierint, aut te ne gratuita quidem eorum suffragia tulisse. XXIII. Illud vero crimen de nummis, quos in circo Flaminio deprehensos esse dixisti, caluit re recenti, nunc in caussa refrixit; neque enim qui illi nummi fuerint, nec quae tribus, nec qui divisor, ostendis. Atque is quidem eductus ad consules, qui tum in crimen vocabatur, se inique a tuis jactatum graviter querebatur; qui si erat divisor, praesertim ejus quem tu habebas reum, cur abs te reus non est factus? cur non ejus damnatione aliquid ad hoc judicium praejudicii comparasti? Sed neque

eum te . . . rogatus] Laterensis had charged Plotius with 'coitio,' as well as Plancius, but he had only prosecuted Plancius. Accordingly, says Cicero, 'you show that you have fastened on the man who did not entreat you,' did not entreat you not to prosecute, as Wunder says, which I suppose is the meaning. Manutius had said the same, 'ut eum ne accusares.'

Nam quod] This sentence is intended to explain that which precedes: 'For when you complain that you have more witnesses out of the Voltinia than the number of votes which you got in that tribe, you show that you are either producing witnesses, who did not vote for you because they were bribed (by somebody else), or that you did not get even their votes for nothing.' Cicero speaks quite plain, but the real meaning of his words is not plain. Laterensis had said that Plancius had bribed the Voltinia, and Laterensis also said that he had witnesses to the fact out of that 'tribus,' and witnesses more in number than the votes which he got in that 'tribus.' He could not mean to say that those who voted for him were bribed, but if the tribe was bribed, he must, as Cicero says, either be producing some men as witnesses who for a bribe had voted against him, or if they were not bribed by another, they must have been bribed by himself; for the tribe was bribed. If this looks something like playing with words, the fault is the orator's, or I have not caught his meaning. But why does Cicero say 'you have complained,' &c., instead of saying 'you have boasted,' or something of the kind? I suppose he is speaking ironically. Wunder remarks that Weiske has erred past all belief in explaining this passage. But he has not explained it right himself: "negat Cicero quos Laterensis de Voltinia testes se habere, eorum audiri testimonium posse. Nam aut corrupti sunt, inquit, a Plancio, ut te praeterirent, quo facto testes esse non possint cum sint corrupti; aut tales sunt, qui non corrupti a Plancio tamen hunc maluerint quam te suffragiis suis aedilem declarare; quo facto improbabile est eos contra Plancium esse testimonium dicturos, nisi pecunia a te empti ad testimonium prohibendum huc accesserint."

23. *eductus*] Garatoni refers to Gellius (xi. 17), who quotes one of the old praetorian 'edicta,' "Si quis eorum ad me eductus fuerit."—'praejudicii:' if such a man had been convicted, his conviction would have formed a presumption of Plancius' guilt. See Praejudicium, Index, Vol. ii.

tu haec habes neque eis confidis: alia te ratio, alia cogitatio ad spem hujus opprimendi excitavit. Magnae sunt in te opes; late patet gratia; multi amici, multi cupidi tui, multi fautores laudis tuae; multi huic invident; multis etiam pater optimus vir nimium retinens equestris juris et libertatis videtur; multi etiam communes inimici reorum omnium, qui ita semper testimonium de ambitu dicunt, quasi aut moveant animos judicum suis testimoniis, aut gratum populo Romano sit, aut ab eo facilius ob eam caussam dignitatem quam volunt consequantur. Quibuscum me, judices, pugnantem more meo pristino non videbitis; non quo mihi fas sit quidquam defugere quod salus Plancii postulet, sed quia neque necesse est me id persequi voce quod vos mente videatis, et quod ita de me meriti sunt illi ipsi, quos ego testes video paratos, ut eorum reprehensionem vos vestrae prudentiae assumere, meae modestiae remittere debeatis. Illud unum vos magno opere oro atque obsecro, judices, quum hujus quem defendo, tum communis periculi caussa, ne fictis auditionibus, ne disseminato dispersoque sermoni fortunas innocentium subjiciendas putetis. Multi amici accusatoris, nonnulli etiam nostri iniqui, multi communes obtrectatores atque omnium invidi multa finxerunt. Nihil est autem tam volucre quam maledictum; nihil facilius emittitur, nihil citius excipitur, latius dissipatur. Neque ego, si fontem maledicti reperietis, ut aut negligatis aut dissimuletis umquam postulabo; sed si quid sine capite manabit aut [quid] erit ejusmodi ut non exstet auctor; qui audierit aut ita negligens vobis esse videbitur ut unde audierit oblitus sit, aut ita levem habebit auctorem ut memoria dignum

haec habes] "*Habere* hic ut alibi diligenter cognitum, prospectum habere, nosse significat" (Wunder). He compares In Pisonem, c. 22: "Habes reditum meum." —'ita de me meriti:' Wunder supposes that Cicero alludes to the services which the witnesses or some of them had done him in the matter of his recall from exile; for he adds, it is plain that no other services can be meant. I don't see that; though I do not deny that the explanation is right. Cicero says 'video paratos.' The witnesses were on the spot, ready to be examined after the speech. Whether it was the practice to give the defendant a list of the witnesses who were to be produced against him, I do not know.

reprehensionem . . . . assumere] The meaning is not difficult: the translation is very difficult. The 'reprehensio' of the witnesses is the examination of them for the purpose of showing that their testimony ought not to be valued. Cicero, contrary to his practice, asks the Judices to do this, like men of sense, as they are, and to excuse him for not doing it, because it would shock his 'modestia.' He had not face enough to cross-examine witnesses to whom he was under obligations.

fictis auditionibus] 'Hearsay,' and 'false reports.'

sine capite manabit] 'Caput' is a source of water. Cicero uses this metaphor elsewhere. The pointing of this sentence is that of Madvig, followed by Wunder. The old pointing was 'ut non extet auctor qui audierit.' But the new pointing does not set all right. Bake proposes to transpose 'qui audierit, aut' thus, 'aut qui audierit.' As the sentence stands, there is a want of the proper connexion of the parts.

non putarit, hujus illa vox vulgaris, AUDIVI, ne quid innocenti reo noceat oramus.

XXIV. Sed venio jam ad L. Cassium familiarem meum, cujus ex oratione ne illum quidem Juventium tecum expostulavi, quem ille omni et virtute et humanitate ornatus adolescens primum de plebe aedilem curulem factum esse dixit. In quo, Cassi, si ita tibi respondeam, nescisse id populum Romanum, neque fuisse qui id nobis narraret, praesertim mortuo Congo, non, ut opinor, admirere, quum ego ipse non abhorrens a studio antiquitatis me hic id ex te primum audisse confitear. Et quoniam tua fuit perelegans ac persubtilis oratio, digna equitis Romani vel studio vel pudore, quoniamque sic ab his es auditus ut magnus honos et ingenio et humanitati tuae tribueretur, respondebo ad ea quae dixisti, quae pleraque de ipso me fuerunt; in quibus ipsi aculei, si quos habuisti in me reprehendendo, tamen mihi non ingrati acciderunt. Quaesisti, utrum mihi putarem equitis Romani filio faciliorem fuisse ad adipiscendos honores viam an futuram esse filio meo, quia esset familia consulari. Ego vero quamquam illi omnia malo quam mihi, tamen honorum aditus numquam [illi] faciliores optavi quam mihi fuerunt. Quin etiam, ne forte ille sibi me potius peperisse jam honores quam iter demonstrasse adipiscendorum putet, haec illi soleo praecipere, quamquam ad praecepta aetas non est gravis, quae ille a Jove ortus suis praecepit filiis:

Vigilandum est semper: multae insidiae sunt bonis.

Nosti cetera; nonne?

Id quod multi invideant,—

quae scripsit gravis et ingeniosus poeta, [scripsit] non ut illos regios

24. *L. Cassium*] The subscriptor of Laterensis (Wunder). — 'expostulavi:' Terence (Andr. iv. 1. 15) has the same construction: "Adeamne ad eum et cum eo injuriam hanc expostulem?" It means to complain about a thing to a person who has said it or done it.

Congo] V. has 'Conco,' both in the Lemma and in the Scholium. E. has 'longe.' The editors have generally written 'Longino.' Cicero speaks of his 'familiaris Longinus' as an historian, and still living when he wrote the De Oratore, the date of which is fixed at B.C. 55 by Clinton, who however does not quote this passage from the Pro Plancio. Wunder observes that in this passage the MSS., so far as he knows, have not 'Longino,' but 'Longo.'

ipso me] Wunder has a note on the relative position of the two pronouns. The 'ipso' being the emphatic word is here placed first. He refers among other passages, to In Pison. c. 20: "quod ad neminem nisi ad ipsum te pertineret."

quia esset] 'qui esset' Wunder; but he gives no authority for 'qui.' I suppose that either word will do. Cassius must be supposed to imply by his question that a man of consular family would get the 'honores' easier than a man who was not, and that since Laterensis had not been elected there was some foul dealing on Plancius' part.

gravis] 'Has not strength enough to receive such precepts.' Cicero's son was born in B.C. 64.—'a Jove ortus:' Atreus,

pueros, qui jam nusquam erant, sed ut nos et nostros liberos ad laborem et ad laudem excitaret. Quaeris quid potuerit amplius assequi Plancius, si Cn. Scipionis fuisset filius. Magis aedilis fieri non potuisset, sed hoc praestaret, quod ei minus invideretur. Etenim honorum gradus summis hominibus et infimis sunt pares, gloriae dispares. XXV. Quis nostrum se dicit M'. Curio, quis C. Fabricio, quis C. Duillio parem? quis Atilio Calatino? quis Cn. et P. Scipionibus? quis Africano, Marcello, Maximo? Tamen eosdem sumus honorum gradus quos illi assecuti. Etenim in virtute multi sunt ascensus, ut is maxime gloria excellat qui virtute plurimum praestet. Honorum populi finis est consulatus, quem magistratum jam octingenti fere consecuti sunt. Horum, si diligenter quaeres, vix decimam partem reppereris gloria dignam. Sed nemo umquam sic egit ut tu: Cur iste fit consul? quid potuit amplius, si L. Brutus esset, qui civitatem dominatu regio liberavit?—Honore nihil amplius, laude multum. Sic igitur Plancius nihilo minus quaestor est factus et tribunus plebis et aedilis quam si esset summo loco natus; sed haec pari loco orti sunt innumerabiles alii consecuti. Profers triumphos T. Didii et C. Marii, et quaeris quid simile in Plancio; quasi vero isti, quos commemoras, propterea magistratus ceperint quod triumpharant, et non, quia commissi sunt iis magistratus [in quibus] re bene gesta triumpharint.

it is supposed, in Attius' play. See Pro Sestio, c. 48, and the note. What Cicero here quotes is the precept that he gave to his son. He means that the rest which follows, and begins, 'Id quod multi invideant,' applies to Cassius, and through him to Laterensis:

"Id quod multi invideant multique expetant, inscitiast
Postulare si laborem summa cum cura ecferas
Nullum."

See the note on the Pro Sestio. In this passage Wunder places 'Id quod multi invideant' in [ ].

25. *M'. Curio*] Manius Curius Dentatus, the conqueror of king Pyrrhus. All these worthies have often been mentioned by Cicero. The praenomen of Duilius is P. in the MSS.; but his name was C. Duilius, the man who first gained a naval victory over the Carthaginians. The MSS. reading is 'Duellio,' which Baiter has. Garatoni has a long note on the writing of 'Duellius,' 'Duillius,' or 'Duilius.' In the Orator, c. 45, there is this passage: "Nam ut *duellum* bellum et *duis* bis, sic *Duellium*, eum, qui Poenos classe devicit, *Bellium* nominaverunt, cum superiores appellati essent semper *Duellii*" (and Goeller's note). It is probable, as Garatoni says, that the old writing was 'C. Dueilios,' out of which the form 'Duellius' easily comes, an L being written for an I; and from 'Dueilios' also comes the form 'Duilius,' for the similar ancient forms of orthography 'preimus,' 'meilia,' 'ceivis,' were changed into 'primus,' 'milia,' 'civis.'

quaeres . . . . reppereris] Baiter has 'quaeres . . . reperies.' T. has 'repperis,' and E. 'reperis,' which are in favour of Wunder's emendation, 'reppereris.' We could write 'quaeras . . . reperias,' but, as Wunder correctly observes, "non enim quaerendum quid dici potuerit, sed videndum quam scripturam codicum auctoritas maxime tueatur."

T. Didii] Both Didius and Marius had two triumphs. C. Marius is a standing personage in Cicero's orations; and Didius has also been mentioned (Pro Murena, c. 8).

gesta triumpharint] The reading in the text is Garatoni's. T. E. have 'in quibus

Rogas quae castra viderit, qui et miles in Creta hoc imperatore, et tribunus in Macedonia militum fuerit, et quaestor tantum ex re militari detraxerit temporis quantum in me custodiendum transferre maluerit. Quaeris, num disertus. Immo, id quod secundum est, ne sibi quidem videtur. Num jurisconsultus? Quasi quisquam sit qui sibi hunc falsum de jure respondisse dicat. Omnes enim istiusmodi artes in iis reprehenduntur, qui quum professi fuerint satis facere non possunt, non in iis qui se abfuisse ab istis studiis confitentur. Virtus, probitas, integritas in candidato, non linguae volubilitas, non ars, non scientia requiri solet. Ut nos in mancipiis parandis, quamvis frugi hominem si pro fabro aut pro tectore emimus, ferre moleste solemus, si eas artes quas in emendo secuti sumus forte nesciunt, sin autem emimus quem villicum imponeremus, quem pecori praeficeremus, nihil in eo nisi frugalitatem, laborem, vigilantiam esse curamus; sic populus Romanus deligit magistratus quasi rei publicae villicos, in quibus si qua praeterea est ars, facile patitur; sin minus, virtute eorum et innocentia contentus est. Quotus enim quisque disertus, quotus quisque juris peritus est, ut eos numeres qui volunt esse? Quod si praeterea nemo est honore dignus, quidnam tot optimis et ornatissimis civibus est futurum?

XXVI. Jubes Plancium de vitiis Laterensis dicere. Nihil potest nisi eum nimis in se iracundum [putabis] fuisse. Idem

re bene gesta triumpharent.' We must either accept this alteration, or omit 'quia' and keep 'in quibus . . . . triumpharent.'—'quaestor tantum:' see c. 41.

hoc imp.] Metellus, c. 11.—'disertus sit' T. E., Baiter. 'Sit' is not wanted, and, as Wunder says, it is an interpolation.—'jurisconsultus:' Pro Murena, c. 12, and the note, and c. 13. Both 'jurèconsultus' and 'jurisconsultus' occur.—'se abfuisse:' Wunder omits 'se.'

tectore] There is also a reading 'textore.' The 'tector' is mentioned with the 'faber,' and is evidently a man employed in building, but the critics do not seem to know exactly what he did, nor is it material here. He might be a plasterer or a layer of tessellated floors. (See Forcellini, Tectorium.)

rei publicae villicos] Graevius quotes Juvenal (iv. 77):

"Pegasus attonitae positus modo villicus urbi."

T. has 'vilicum,' and E. has 'villicum' a little above. It is sometimes maintained that the Romans did not double the liquids in writing. Wunder observes that as the Romans wrote 'mille' and 'milia,' they also wrote 'villa' and 'vilicus,' which, Wunder says, he has demonstrated in a book on Latin orthography. It is not difficult to demonstrate that their orthography was unsettled, and often contrary to analogy.

Quod si praeterea, &c.] Wunder writes 'Quodsi praeterea nemo dignus, quidnam,' &c. But T. E. have 'nemo est honore dignus.'

26. *fuisse*] 'putabis fuisse' T. E.; but most editors agree to reject 'putabis,' as the addition of some scribe.—'nimis in se iracundum;' because Laterensis had prosecuted Plancius rather than Plotius, or had not prosecuted both of them (c. 7, "Hoc tamen miror," &c.; c. 22, "Sed tamen tu," &c.). Wunder.—'nonne fecerunt:' the reading of all Wunder's MSS., except one, which has 'non.' If we have 'nonne,' we ought to have 'idem' also, as Ernesti says. "*Nonne* ortum ab iis est, qui interrogandi signum non post *quid*, set post *quaestores* positum videbant. Atqui pravos ille interductus etiamnunc multis in codicibus est. Saepe praeterea *nonne* pro *non* a librariis

effers Laterensem laudibus. Facile patior id te agere multis verbis quod ad judicium non pertineat, et id te accusantem tamdiu dicere quod ego defensor sine periculo possim confiteri. Atqui non modo confiteor summa in Laterense ornamenta esse, sed te etiam reprehendo, quod ea non enumeres, alia quaedam inania et levia conquiras. Praeneste fecisse ludos. Quid, alii quaestores nonne fecerunt? Cyrenis liberalem in publicanos, justum in socios fuisse. Quis negat? sed ita multa Romae geruntur ut vix ea quae fiunt in provinciis audiantur. Non vereor ne mihi aliquid, judices, videar arrogasse, si de quaestura mea dixero—quamvis enim illa floruerit, tamen eum me postea fuisse in maximis imperiis arbitror, ut non ita mihi multum gloriae sit ex quaesturae laude repetendum—sed tamen non vereor ne quis audeat dicere ullius in Sicilia quaesturam aut gratiorem aut clariorem fuisse. Vere me hercule hoc dicam: sic tum existimabam, nihil homines aliud Romae nisi de quaestura mea loqui. Frumenti in summa caritate maximum numerum miseram; negotiatoribus comis, mercatoribus justus, mancipibus liberalis, sociis abstinens, omnibus eram visus in omni officio diligentissimus. Excogitati quidam erant a Siculis honores in me inauditi. Itaque hac spe decedebam ut mihi populum Romanum ultro omnia delaturum putarem. At ego quum casu diebus iis itineris faciendi caussa decedens e provincia Puteolos forte venissem, quum plurimi et lautissimi in iis locis solent esse, concidi paene, judices, quum ex me quidam quaesisset, quo die Roma exissem et num quidnam esset novi. Cui cum respondissem, me e provincia decedere: Etiam me hercule, inquit, ut opinor, ex Africa. XXVII. Huic ego jam stomachans fastidiose, Immo ex Sicilia, inquam. Tum quidam, quasi qui omnia sciret, Quid, tu nescis, inquit, hunc Syracusis quaestorem fuisse?—Quid multa? destiti stomachari, et me

positum esse docuit Garatonius Ad Cat. i. c. 11, p. 415" (Wunder). Wunder points in the usual way, 'Quid? alii . . . non fecerunt?' Baiter has 'Quid? alii . . . nonne fecerunt?'

imperiis] He alludes to the praetorship and consulship. A praetor and a consul were said 'esse cum imperio' (Verr. Act. i. c. 13; Ad Q. Fr. i. 1, c. 10; Pro Sestio, c. 60, and the note).—'numerum:' so this word is sometimes used. He could have said 'maximam vim.'—'mancipibus:' the editions, all of them I suppose, before Wunder had 'municipibus,' which is still kept in some German prints, though it is nonsense. T. E. have 'mancipibus.' The 'mancipes' are the 'principes publicanorum.' He has just said, as Wunder remarks, about Laterensis, 'liberalem in publicanos, justum in socios.' He speaks of the 'mancipes' in the Divin. c. 10, and Verr. ii. 3, c. 74; quoted by Wunder.

casu . . . forte] 'Casu' and 'forte' both refer to 'diebus iis... venissem, quum' (Wunder). He happened to visit Puteoli when it was full, but he went there purposely, though it was out of his road.—'me e:' 'me a,' Wunder.—'etiam me hercule:' 'etiam,' as Wunder says, expresses assent; as if the man said, 'To be sure, from Africa, I suppose.'

27. *Syracusis*] There were two quaestors for Sicily, one for the division of Syracuse, and the other for the division of Lily-

unum ex iis feci qui ad aquas venissent. Sed ea res, judices, haud scio an plus mihi profuerit quam si mihi tum essent omnes gratulati. Nam posteaquam sensi populi Romani aures hebetiores, oculos autem esse acres atque acutos, destiti quid de me audituri essent homines cogitare; feci ut postea quotidie me praesentem viderent; habitavi in oculis, pressi forum, neminem a congressu meo neque janitor meus neque somnus absterruit. Ecquid ego dicam de occupatis meis temporibus, cui fuerit ne otium quidem umquam otiosum? Nam quas tu commemoras, Cassi, legere te solere orationes, quum otiosus sis, has ego scripsi ludis et feriis, ne omnino umquam essem otiosus. Etenim M. Catonis illud, quod in principio scripsit Originum suarum, semper magnificum et praeclarum putavi, Clarorum virorum atque magnorum non minus otii quam negotii rationem exstare oportere. Itaque si quam habeo laudem, quae quanta sit nescio, parta Romae est, quaesita in foro; meaque privata consilia publici quoque casus comprobaverunt, ut etiam summa res publica mihi domi fuerit gerenda et urbs in urbe servanda. Eadem igitur, Cassi, via munita Laterensi est, idem virtuti cursus ad gloriam; hoc facilior fortasse, quod ego huc a me ortus et per me nixus ascendi, istius egregia virtus adjuvabitur commendatione majorum. Sed ut redeam ad Plancium, numquam ex urbe abfuit nisi sorte,

baeum, or the west part of the island. Cicero had the quaestorship of Lilybaeum.—'ad aquas:' 'to the waters.' He sometimes uses the word thus, when he means Puteoli or Baiae (Pro Caelio, c. 20). When a place took its name from the Aquae, the Romans added a noun or adjective, as Aquae Sextiae, Aix, in the Provincia. In England we have Aquae Sulis, often miswritten in books Aquae Solis, Bath; as in France Aquae Bormonis, Bourbon l'Archambault; and others.—'qui ad aquas venissent:' 'one of the visitors.' It is the Roman general form of expression, which includes any body and every body, and particularly defines nobody.

oculos autem] Wunder omits 'autem,' and it may be omitted, though there is good authority for it.—'habitavi in oculis, pressi forum,' &c.: all this is good advice to candidates for electoral suffrages. A man must keep himself before people's eyes. Plancius had worked his way, as Cicero (c. 19) tells us, by obliging the voters, particularly those of his own 'tribus.' This electoral chase is well understood in all countries where there is a representative body. Jérome Paturot gives a lively picture of a candidate's labours at a French election under the corrupt reign of Louis Phílippe.

Originum] This work of the old censor is often quoted. Krause has collected the fragments (Vitae et Fragmenta Vet. Historic. Romanorum). Cato's 'rationem exstare' is explained by Columella (ii. 22): "Tam otii quam negotii rationem reddere majores nostri censuerunt." Justin (Preface) has nearly the same expression, with the mention of Cato's name. 'Otium' means relief, rest from public affairs, during which time a man ought not to be idle: he ought to be able to show how he employed it.

Itaque] T. E. 'Ita,' Wunder.—'publici casus:' an allusion easy to understand, the conspiracy of Catilina.—'via munita:' 'way made.' See Vol. ii., 'munitare viam,' Index.

sorte] The 'sors' applies to his obtaining the quaestorship of Macedonia, for the 'quaestores' had their 'provinciae' determined by lot, as we learn from Cicero (Ad Q. Fr. i. 1): "Quaestorem habes, non tuo judicio delectum, sed eum quem sors dedit;" and Divin. c. 14, Vol. i. The 'lege' applies to his election as 'tribunus militum'

lege, necessitate. Non valuit rebus iisdem quibus fortasse nonnulli: at valuit assiduitate, valuit observandis amicis, valuit liberalitate: fuit in oculis, petivit; ea est usus ratione vitae, qua minima invidia novi homines plurimi sunt eosdem honores consecuti.

XXVIII. Nam quod ais, Cassi, non plus me Plancio debere quam bonis omnibus, quod iis aeque mea salus cara fuerit, ego me debere bonis omnibus fateor; sed etiam ii, quibus ego debeo, boni viri et cives, aediliciis comitiis aliquid se meo nomine debere Plancio dicebant. Verum fac me multis debere et in iis Plancio: utrum igitur me conturbare oportet, an ceteris, quum cujusque dies venerit, huic nomen quod urget nunc quum petitur dissolvere?

by the 'populus.' The 'necessitas' to his serving in Africa under Torquatus, and under Metellus in Crete, "ea necessitate adductus, qua omnes cogebantur post sumptam togam virilem decem stipendia facere" (Ferratius, quoted by Wunder). The explanation of 'sorte' and 'lege' is certainly right. I am not sure if the explanation of 'necessitate' is.

Non valuit] He was not an orator or a 'jurisconsultus' (c. 25). But he had all the other qualities of a successful candidate. He knew his business.—'observandis:' in the edition of Naugerius. T. E. have 'adservandis,' and the rest have 'servandis.'—'petivit ea usus ratione:' so Wunder has it, omitting 'est' before 'usus,' though he says that the MSS. have 'est.' He contends that the 'est' is not genuine, for 'petivit' used thus barely is inept, since Laterensis 'petivit aedilitatem' as well as Plancius. It is certain that Cicero is speaking about the aedileship; but is 'petivit' standing alone more strange than 'fuit in oculis?' If we write 'petivit ea usus ratione vitae,' the word 'vitae' seems to spoil the sense, and so Wunder says in his Prolegomena, that if we accept his reading, 'petivit ea usus,' it follows that we must omit 'vitae,' for Cicero is not speaking of Plancius' 'ratio vitae,' but of his canvass for the aedileship. But in his note he finds good reason for retaining 'vitae.' These discussions are endless. There is matter for the longest note on both sides of the question, but no note will settle it.

Wunder also omits 'sunt,' which in some editions is placed after 'consecuti,' and in others after 'plurimi.'

28. *meo nomine*] 'On my account,' in consideration of Plancius' services to me in my exile.—'conturbare:' we must supply 'rationes,' says Graevius. The word was also used absolutely (Juv. vii. 129), and signified to act fraudulently towards a creditor, or towards an employer or master, not to pay what was due. In Dig. 14. 3. 5, § 9, the word 'conturbaverit' expresses an act of embezzlement; and in Dig. 15. 3. 16, the word 'conturbaverat' is applied to a person who did not pay what he ought to have paid, and who had acted fraudulently. In a passage of Ulpian, Dig. 11. 3. 1, § 5, there is the expression 'ut rationem sibi commissam turbaret,' the exact meaning of which passage I do not know, but it expresses a fraudulent act by a slave to whom his master had entrusted some business.

quum cujusque dies venerit] 'When each man's debt is due.' This is a common expression. The time for demand of payment is 'dies venit.' Ulpian (Dig. 50. 16. 213): "Cedere diem significat incipere deberi pecuniam, venire diem significat, eum diem venisse quo pecunia peti possit." Cicero says, 'Must I play the part of a fraudulent debtor, or must I pay all the rest of my creditors when the day of payment for each shall have come, and pay Plancius (huic) a debt, which is pressing, now when it is due?' 'Huic' is Wunder's correction. He says that the MSS. have 'hoc.' I think the correction must be accepted; but I am not quite convinced that it is necessary. It is however a correction which does no harm, for it makes the sense clear and satisfies the grammatical construction.

Wunder observes that the editors have said nothing about the explanation. He explains it right; but it is hard to understand how any body could miss the sense, even with the reading 'hoc.' Yet the German translator Wolff, whom he quotes, did miss it.—'dissolvere:' see Index, Vol. iii., 'dissolvi.'

Quamquam dissimilis est pecuniae debitio et gratiae. Nam qui pecuniam dissolvit, statim non habet id quod reddidit; qui autem debet, aes retinet alienum: gratiam autem et qui refert habet, et qui habet, in eo ipso quod habet refert. Neque ego nunc Plancio desinam debere, si hoc solvero; nec minus ei redderem voluntate ipsa, si hoc molestiae non accidisset. Quaeris a me, Cassi, quid pro fratre meo, qui mihi est carissimus, quid pro meis liberis, quibus nihil potest mihi esse jucundius, amplius quam quod pro Plancio facio facere possim; nec vides istorum ipsorum caritate ad hujus salutem defendendam maxime stimulari me atque excitari. Nam neque illis hujus salute, a quo meam sciunt esse defensam, quidquam est optatius, et ego ipse numquam illos aspicio quin, quum per hunc me iis conservatum esse meminerim, hujus meriti in me recorder. Opimium damnatum esse commemoras, serva-

Quamquam dissimilis ... non accidisset] This passage is quoted by Gellius, i. 4, where he tells us what Antonius Julianus, a rhetorician, said of this passage, and his explanation of 'debere' and 'gratiam habere.' I do not see that Cicero's play on words can cause a reader any difficulty; nor that Wunder's explanation helps the matter. Cicero says that a debtor (qui debet) has what belongs to another, 'aes retinet alienum,' which may be said in a sense, as people sometimes say it now, but every body knows that it is false; for a man who has borrowed a hundred pieces from another, and accordingly owes him a hundred pieces, is still only a debtor for a hundred pieces. Those which he has received as a loan become his own property, as the Roman lawyers tell us (Gaius, iii. 90), and as the law of all nations must allow. If a man returns a favour, he may still be grateful for it, or he ought to be. He returns in one sense, but he still has in another. The Roman language can express this, but we cannot. Cicero is therefore quite right when he says: 'However the obligation of a debt and the obligation of a service or favour are quite different.' The orator laying hold of Cassius' word 'debere,' treats us with this comment on it.

Wunder's explanation may be right enough, but it is obscured by a cloud of words. There is really nothing that wants explanation. I deny however his explanation of 'pecuniam debere.' He says correctly that 'debere' is compounded of 'de' and 'habere,' and hence it appears that 'pecuniam debere' is properly nothing else than 'habere de altero pecuniam,' i. e. 'habere pecuniam, quae est alterius.' This is a false explanation, contrary to all the principles of law, contrary to the Roman use of words. When the Romans said that a man 'aes retinet alienum,' they did not mean what the words literally express. As already observed, a man who lends a sum of money, transfers the ownership of it. If he did not, he could claim back the very pieces of money. The change of ownership is the foundation of this action for his debt (condictio). Accordingly we have the clear definition of 'aes alienum' (Dig. 50. 16. 213): "Aes alienum est quod nos aliis debemus; aes suum est quod nobis debent:" the first expresses our debts (passif), the second our credits (actif); or, as Savigny explains (System, &c., p. 514, note), 'aes alienum . . . debemus,' "that is to say, the money which has been transferred from the ownership of another man to our own, and which must go back again into the ownership of the former owner."

Baiter has 'is retinet alienum,' for which he cites T. E. and Gellius. Wunder says that the best MSS. of Gellius have 'aes.'

quam quod] Lambinus saw that this 'quod' was wanted; and some of the best MSS. have it.—'Opimium:' see Pro Sestio, c. 67.—'Calidium:' this is Q., the father of the orator M. Calidius. Quintus was convicted of Repetundae (Verr. Act. i. c. 13). Q. Metellus is Numidicus. See Index, Vol. iii.

Cassius spoke of two great men, as he called them, whose services to the State did not save them from conviction; and he blames Cicero's entreaties on behalf of Plancius, who had not the same personal merit as Opimius and Calidius, and ought not to be saved by Cicero's prayers.

torem ipsum rei publicae; Calidium adjungis, cujus lege Q. Metellus in civitatem sit restitutus; reprehendis meas pro Plancio preces, quod nec Opimius suo nomine liberatus sit neque Metelli Calidius. XXIX. De Calidio tibi tantum respondeo quod ipse vidi: Q. Metellum Pium consulem praetoriis comitiis petente Q. Calidio populo Romano supplicasse, quum quidem non dubitaret et consul et homo nobilissimus patronum esse illum suum et familiae nobilissimae dicere. Quo loco quaero ex te, num id in judicio Calidii putes, quod ego in Plancii facio, aut Metellum Pium, si Romae esse potuisset, aut patrem ejus si vixisset, non fuisse facturum. Nam Opimii quidem calamitas utinam ex hominum memoria posset evelli! Vulnus illud rei publicae, dedecus hujus imperii, turpitudo populi Romani, non judicium putandum est. Quam enim illi judices, si judices, et non parricidae patriae nominandi sunt, graviorem potuerunt rei publicae infligere securim quam, quum illum e civitate ejecerunt, qui praetor finitimo, consul domestico bello rem publicam liberarat? At ego nimis magnum beneficium Plancii facio, et, ut ais, id verbis exaggero; quasi vero me tuo arbitratu et non meo gratum esse oporteat.—Quod istius tantum meritum, inquit? an quia te non jugulavit?—Immo vero, quia jugulari passus non est. Quo quidem tu loco, Cassi, etiam purgasti inimicos meos, meaeque vitae nullas ab illis insidias fuisse dixisti. Posuit hoc idem Laterensis. Quamobrem de isto paullo post plura dicam: de te tantum requiro, utrum putes odium in me mediocre inimicorum fuisse—quod fuit ullorum umquam barbarorum tam immane ac tam crudele in hostem?—an fuisse in iis aliquem aut famae metum aut poenae, quorum vidisti toto illo anno ferrum in foro, flammam in delubris, vim in tota urbe versari? Nisi forte existimas eos idcirco vitae meae pepercisse, quod de reditu meo nihil timerent. Et quemquam putas fuisse tam excordem, qui vivis his stante urbe et curia rediturum me si viverem non putaret? Quamobrem non debes is homo et is civis praedicare vitam meam, quae fidelitate amicorum conservata sit, inimicorum modestia non esse appetitam.

29. *Pium*] The son of Metellus Numidicus. See Index, Vol. iii.—'esse illum suum:' T. E., Baiter; 'illum et suum,' Wunder, omitting 'esse.'

Romae esse potuisset] He was proconsul in Spain at the time when Calidius was prosecuted (Manutius).

infligere securim] Compare Pro Murena, c. 24, note.—'praetor finitimo:' he took the town of Fregellae, which was in rebellion. In Pison. c. 39, and the note. In his consulship he crushed Fulvius Flaccus and C. Gracchus, B.C. 121.

At ego nimis] T., Baiter. 'At enim nimis ego,' E., Wunder.—'jugulari passus non est:' see c. 41.—'toto illo anno:' B.C. 58, when P. Clodius was tr. pl., and Cicero was driven into exile.

quae . . . conservata sit] 'Quae . . . sit,' says Wunder, is put for 'quum . . . sit,' which remark he makes in order to prevent any person from finding a difficulty in the

XXX. Respondebo tibi nunc, Laterensis, minus fortasse vehementer quam abs te sum provocatus; sed profecto nec considerate minus nec minus amice. Nam primum illud fuit asperius, me quae de Plancio dicerem mentiri et temporis caussa fingere. Scilicet homo sapiens excogitavi, quamobrem viderer maximis beneficii vinculis obstrictus, quum liber essem et solutus. Quid enim mihi ad defendendum Plancium parum multae, parum justae necessitudines erant familiaritatis, vicinitatis, patris amicitiae? Quae si non essent, vererer, credo, ne turpiter facerem, si hoc splendore et hac dignitate hominem defenderem. Fingenda fuit mihi videlicet caussa peracuta, ut ei quem mihi debere oporteret ego me omnia debere dicerem. At id etiam gregarii milites faciunt inviti, ut coronam dent civicam et se ab aliquo servatos esse fateantur; non quo turpe sit protectum in acie ex hostium manibus eripi—nam id accidere nisi forti viro et pugnanti cominus non potest—sed onus beneficii reformidant, quod permagnum est alieno debere idem quod parenti. Ego, quum ceteri vera beneficia etiam minora dissimulent, ne obligati esse videantur, eo me beneficio obstrictum esse ementior, cui ne referri quidem gratia posse videatur? An hoc tu, Laterensis, ignoras? qui, quum mihi esses amicissimus, quum vel periculum vitae tuae mecum sociare voluisses, quum me in illo tristi et acerbo luctu atque discessu non lacrimis solum tuis, sed animo, corpore, copiis prosecutus esses, quum meos liberos et uxorem me absente tuis opibus auxilioque defendisses, sic mecum semper egisti, te mihi remittere atque concedere ut omne studium meum in Cn. Plancii honore consumerem, quod ejus in me meritum tibi etiam ipsi gratum esse dicebas. Nihil autem me novi, nihil temporis caussa dicere, nonne etiam est illa testis oratio, quae est a me prima habita in senatu? in qua quum perpaucis nominatim egissem

subjunctive mood. On which I remark that 'quae' is not put for 'quum:' it is put for what it is; nor can any person find a difficulty about this subjunctive who has read a few of Cicero's orations with care. There is an example in c. 30, "cui nihil .... deberem."—'modestia:' 'that the moderation of his enemies prevented them from attempting his life.' T. E. and some other MSS. have 'molestia,' a false reading without any sense in it.

30. *temporis caussa*] See Index, Vol. iii.—'vicinitatis:' see c. 10.—'quem . . . oporteret:' 'who was under the necessity of being under obligations to me;' to Cicero who was defending him.

coronam] The Schol. Ambros. says that a 'corona civica' was 'de gramine fieri solita;' but this was a 'corona obsidionalis,' as Gellius (v. 6) tells us: "Obsidionalis... corona graminea est." The 'civica' "fit e fronde querna .... etiam ex ilice."

te mihi remittere] He gave Cicero his full permission to use all his exertions for Plancius' election; for Laterensis thought, as Wunder explains it, that his high rank would easily secure his election against any other candidate.

prima habita] See the Introduction to the Quum Senatui, Vol. iii. He says 'Recitetur oratio,' but he means, says Garatoni, only a part of it, c. 14 (see the note). Very little would satisfy the Judices, if it were the oration which we now have. Garatoni

gratias, quod omnes enumerari nullo modo possent, scelus autem esset quemquam praeteriri, statuissemque eos solum nominare, qui caussae nostrae duces et quasi signiferi fuissent, in his Plancio gratias egi. Recitetur oratio, quae propter rei magnitudinem dicta de scripto est; in qua ego homo astutus ei me dedebam, cui nihil magno opere deberem, et hujus tanti officii servitutem astringebam testimonio sempiterno. Nolo cetera quae a me mandata sunt litteris recitare: praetermitto ne aut proferre videar ad tempus, aut eo genere uti litterarum, quod meis studiis aptius quam consuetudini judiciorum esse videatur.

XXXI. Atque etiam clamitas, Laterensis: "Quousque ista dicis? Nihil in Cispio profecisti. Obsoletae jam sunt preces tuae." De Cispio mihi igitur objicies, quem ego de me bene meritum quia te teste cognoveram, te eodem auctore defendi? et ei dices "Quousque," quem negas quod pro Cispio contenderim impetrare potuisse? Nam istius verbi "Quousque" haec poterat esse invidia: datus est tibi ille; condonatus ille; non facis finem; ferre non possumus. Ei quidem, qui pro uno laborarit, id ipsum non obtinuerit, dici "Quousque" irridentis magis est quam repre-

has a long note on the curious passage about Plancius in the Quum Senatui. He is a valuable, but a most tedious commentator. —'de scripto est:' written and read, as was the Roman practice sometimes. (Pro Sestio, c. 61, and the note. Wunder refers also to Phil. i. 1; x. 2.) Perhaps all the Greek and Roman orations which remain have been carefully revised after delivery; and many of them were probably written before they were delivered. The facile art of standing up and pouring out words was certainly not much valued by the ancient orators, nor by their hearers. Accordingly an oration was a thing well prepared and rehearsed, and sometimes written to be read only.

Wunder remarks that Cicero reminds the Judices of this being a written speech, in order to obviate the objection that what he had said of Plancius in that oration had been added since, and for the present occasion (temporis caussa).

Nolo cetera] This 'oratio habita in senatu,' or c. 14, was read. The other things which he kindly spares the Judices the trouble of hearing are conjectured by the critics to be his three books 'de consulatu;' and it is further supposed that these books contained the story of his exile and his return, as he calls them "tres libros de temporibus meis" (Ad Div. i. 9). The Schol. Ambros. says on 'nolo cetera:' "Nunc autem et de versibus suis facere mentionem videtur, quos intempestivum sit in judiciali dissertatione recitare." The Schol. forms a just judgment of Cicero's verses: "Nam de consulatu suo scripsit poetico metro, quae mihi videntur opera minus digna talis viri nomine."

ad tempus] Graevius observes that 'ad tempus' means the same as 'temporis caussa.' He refers to the De Am. c. 15 for an example: "coluntur tamen simulatione ad tempus."

31. *Cispio*] M. Cispius tr. pl. in the year B.C. 57 had exerted himself in behalf of Cicero's restoration (Pro Sestio, c. 35; Quum Senatui, c. 8). Cispius was afterwards prosecuted for Ambitus, and convicted in spite of Cicero's eloquence and tears.

esse invidia] "This might be the invidious meaning of the words 'Quousque,' &c.:" how long will you continue to make such a defence as this? How long will you ask for the acquittal of men because they are your friends? But Laterensis did not mean this. He meant to say, 'How long will you continue this kind of defence, when you see that it does no good to your clients?'—'condonatus:' see Pro Caelio, c. 32, and the note.

hendentis; nisi forte ego unus ita me gessi in judiciis, ita et cum his et inter hos vixi, in iis caussis patronus, is in re publica civis et sum et semper fui, solus ut a te constituar qui nihil a judicibus debeam umquam impetrare. Et mihi lacrimulam Cispiani judicii objectas: sic enim dixisti: "Vidi ego tuam lacrimulam." Vide quam me verbi tui poeniteat. Non modo lacrimulam, sed multas lacrimas, et fletum cum singultu videre potuisti. An ego, qui meorum lacrimis me absente commotus simultates, quas mecum habebat deposuisset, meaeque salutis non modo non oppugnator, ut inimici mei putarant, sed etiam defensor fuisset, hujus in periculo non significarem dolorem meum? Tu autem, Laterensis, qui tum lacrimas meas gratas esse dicebas, nunc easdem vis invidiosas videri.

XXXII. Negas tribunatum Plancii quidquam attulisse adjumenti dignitati meae; atque hoc loco, quod verissime facere potes, L. Racilii fortissimi et constantissimi viri divina in me merita commemoras. Cui quidem ego, sicuti Plancio, numquam dissimulavi me plurimum debere, semperque praeferam; nullas enim sibi ille neque contentiones neque inimicitias neque vitae dimicationes nec pro re publica nec pro me defugiendas putavit. Atque utinam, quam ego sum in illum gratus, tam licuisset per hominum vim et injuriam populo Romano ei gratiam referre. Sed si non eadem contendit in tribunatu Plancius, existimare debes non huic voluntatem defuisse, sed me, quum tantum jam Plancio deberem, Racilii beneficiis fuisse contentum. An vero putas idcirco minus judices

a te constituar] 'That I must be set down by you as the only man who ought never to obtain any thing from the Judices.'—'lacrimulam:' "Laterensis in Tullium dixerat epilogos ejus inridens, quos eum constat nimium flebiles et miserationis plenos in judiciis semper habuisse. Et in oratore suo eandem affectuum movendorum sibi praestantiam vindicavit." (Schol. Ambros.) Wunder observes that both elsewhere and here 'lacrimula' does not signify tears produced by real grief, but such as a man wrings out of his eyes to make a show of grief, and by rubbing his eyes, or in some other way. The learned editor goes rather too minutely into the matter. His explanation of the meaning of 'lacrimula' is true, but Cicero rubbing his eyes to force a tear is rather ludicrous. I prefer supposing that the effect was accomplished 'in some other way.' (See Pro Sulla, c. 33, and the note on tears.)

32. *L. Racilii*] He had entered on the office of tr. pl. in the same year with Plancius (B.C. 57). Cicero writing to his brother Quintus near the end of B.C. 57, after his restoration, says: "De tr. plebis longe optimum Racilium habemus: videtur etiam Antistius amicus nobis fore; nam Plancius totus noster est."—'praeferam:' T. E., Baiter; 'prae me feram,' Wunder, who however is inclined to prefer 'praeferam' (Proleg. li). He refers to Pro Sext. Roscio, c. 31, "avaritiam praefers." In the Pro Balbo, c. 23, there is "judices quum prae se ferrent."

per hominum vim] He says 'he wishes that the Roman people had not been prevented by the violence and wrongful acts of some men from making Racilius a proper return for his services to Cicero.' The allusion seems to be to Racilius' having failed in some candidateship through disturbance at the election. Garatoni conjectures that it might be the elections of B.C. 55, in the consulship of Pompeius and Crassus.

mea caussa facturos, quod me esse gratum crimineris? an, quum patres conscripti illo senatusconsulto, quod in monumento Marii factum est, quo mea salus omnibus est gentibus commendata, uni Cn. Plancio gratias egerint—unus enim fuit de magistratibus defensor salutis meae—cui senatus pro me gratias agendas putavit, ei ego a me referendam gratiam non putem? Atque haec quum vides, quo me tandem in te animo putas esse, Laterensis? ullum esse tantum periculum, tantum laborem, tantam contentionem, quam ego non modo pro salute tua, sed etiam pro dignitate defugerem? Quo quidem etiam magis sum, non dicam miser, nam hoc quidem abhorret a virtute verbum, sed certe exercitus, non quia multis debeo,—leve enim [est] onus beneficii gratia,—sed quia saepe concurrunt [propter] aliquorum bene de me meritorum inter ipsos contentiones, ut eodem tempore in omnes verear ne vix possim gratus videri. Sed ego [haec] meis ponderibus examinabo, non solum quid cuique debeam, sed etiam quid cujusque intersit, et quid a me cujusque tempus poscat. XXXIII. Agitur studium tuum, vel etiam si vis existimatio, laus [aedilitatis]: at Cn. Plancii salus,

in monumento Marii] "In templo scilicet Honoris et Virtutis, in quo actum primum videtur de restitutione Ciceronis" (Schol. Ambros.). See Pro Sestio, c. 54, and the note.—'unus enim . . . non putem?' I have followed Baiter in the punctuation of this passage, who says "recte hunc locum primus distinxit Arn. Schaefer De locis nonnullis Ciceronis, Plinii, Frontonis, Dresd. 1844, p. 7." The punctuation in Wunder's and in other editions is "egerint, (unus enim fuit de magistratibus defensor salutis meae, cui senatus pro me gratias agendas putavit) ei . . . non putem?" But this does not show the meaning, and Ernesti was right in requiring the subjunctive, 'putaret,' if this punctuation was retained.

Atque haec] T. E. 'Atqui haec,' Wunder.—'defugerem:' T. E. have 'defugerim,' which, as Wunder remarks, does not express the meaning, for Cicero says there is nothing that he would not have done for Laterensis, if the occasion had offered.

Quo quidem] Cicero has just said that there is nothing which he would not have done for Laterensis. 'And for this reason I am the more, I will not say unhappy,—for that is a term incompatible with virtue,—but at least perplexed, not because I am under obligation to many,—for the burden of a kind act is lightened by gratitude,—but because there is often such a conflict among those who have been my benefactors, that I fear I can scarcely show myself grateful to all at the same time.'

In this sentence he is stating a Stoical doctrine. Garatoni quotes from Paradox. 11: "ut improbo et stulto et inerti nemini bene esse potest, sic bonus vir et fortis et sapiens miser esse non potest." 'Onus' is joined with 'beneficii,' as Bake suggests. (See c. 30, 'onus beneficii.') The word 'propter' cannot stand if we take the reading 'concurrunt,' which is the best reading. The other is 'concurrit.'—'ego [haec] meis:' Wunder omits 'haec,' for which he gives reasons in his Prolegomena, p. liii.

33. *Agitur* .. [*aedilitatis*]] 'Studium,' as Wunder explains it, is Laterensis' eagerness to get a victory in this trial over the man who had defeated him at the election; and this is the true meaning. 'With you the struggle is for victory here, or, if you choose to have it so, your reputation is at stake; your credit (laus).' The best MSS. have 'aedilitatis:' the others have 'aedilitas;' but neither word offers a meaning, and Wunder supposes that it was added by somebody to explain the word 'laus.'—Ieepius, quoted by Baiter, proposes 'laus sedulitatis.' Garatoni and Orelli thought that 'laus aedilitatis' is an appropriate expression, because if Plancius were convicted of bribery, Laterensis would have the aedileship. But Wunder correctly remarks that this is in itself not very probable, and what

patria, fortunae. Salvum tu me esse cupisti: hic fecit etiam ut esse possem. Distineor tamen et divellor dolore, et in caussa dispari offendi te a me doleo; sed me dius fidius multo citius meam salutem pro te abjecero quam Cn. Plancii salutem tradidero contentioni tuae. Etenim, judices, quum omnibus virtutibus me affectum esse cupio, tum nihil est quod malim quam me et gratum esse et videri. Haec est enim una virtus non solum maxima, sed etiam mater virtutum omnium reliquarum. Quid est pietas nisi voluntas grata in

is of more weight, there is no evidence at all to support the opinion. It is however an opinion that has been expressed by writers and commentators, but I cannot find the least evidence to support it.

in caussa dispari] 'In a case where the disparity is so great.' The disparity is this: Laterensis had little to gain by succeeding, and Plancius would lose everything by conviction (Wunder). Manutius explains it thus: "Tu enim perdere Plancium vis, ego conservare." But the other is the meaning.

virtutibus me] 'me virtutibus,' E.; and Wunder would have kept this order if other MSS. were in favour of it. It requires only a little attention to see what variety in the order of words the Latin language admits. Perhaps of all languages the Latin is least restricted in the arrangement of the words; and though our own language allows much less liberty in this respect, because the relation of the words to one another is determined nearly altogether by the arrangement, still the difference between a good and a bad writer is shown by the order of his words, as much as by the selection of them. In Latin it is allowed to interpose one word or more between an adjective and its noun, and 'me' can be placed between 'omnibus' and 'virtutibus;' and perhaps it should stand so in this passage. There are no rules for such cases. They are matters of taste and intention. They belong to the domain of art, and the rules of art, so far as rules can be made, are only the formal expression of a judgment founded on something which is not reducible to rule.

gratum esse] 'et esse gratum' T. E. Baiter. Cicero makes gratitude the foundation of all virtues. There is some truth in his remark, at least so far as this, that ingratitude excludes the possibility of any virtue. A man who has received kindness from another and repays it by injury or even by neglect is a man devoid of all goodness. If law could reach the offence of such a man, he would be rightly visited with its extreme penalties. But ingratitude is a crime which eludes judicial investigation, and is one of the instances which show the narrow limits within which law can operate. The Romans indeed did punish ungrateful freedmen, but it is not easy to see how the fact of ingratitude could be proved, unless by some act which deserved punishment even if done by another. A passage in Tacitus (Annal. xiii. 26) speaks of the patronus banishing the freedman who had done him wrong, and to the limit of one hundred miles from the city. Under the empire it is certain that the libertus was punishable for certain acts, which were comprehended under the general notion of ingratitude, though some of the acts enumerated in the Digest (37. 14. 1) are such as would have been punishable if done by any person.

pietas] See Index, Vol. ii.—'qui patriae beneficia:' the Patria has given us birth, taken care of us, and brought us up, and so we are bound to obey it, as Socrates says in the Crito (c. 12), and to be grateful, as Cicero says here, for what the Patria has done for us. It is a crime, says Socrates, to do violence either to a father or mother, and still greater to do violence to the Patria; the Patria being the parent, and the master of every man, and of all his ancestors. The gratitude to the Patria, and absolute obedience are, however, founded on the assumption of the relation of parent and child between the Patria and the citizens; and Socrates makes the duty of the child depend on the previous condition of the parental care of the Patria about the child's nurture and education. If the Patria has not done her part first, the obedience of the child and his gratitude are not due. This conclusion he could not avoid, nor would he have attempted to evade it. But with us the Patria enforces obedience to its rules without asking whether it has brought up the child as it ought to do. The Platonic idea of a State is an organized unity to which every individual belongs as a member, and is bound to act in conformity to the organism. The means by which the individual's action is

parentes? qui sunt boni cives, qui belli, qui domi de patria bene merentes, nisi qui patriae beneficia meminerunt? qui sancti, qui religionum colentes, nisi qui meritam diis immortalibus gratiam justis honoribus et memori mente persolvunt? Quae potest esse vitae jucunditas sublatis amicitiis? quae porro amicitia potest esse inter ingratos? Quis est nostrum liberaliter educatus, cui non educatores, cui non magistri sui atque doctores, cui non locus [ipse] ille mutus, ubi altus aut doctus est, cum grata recordatione in mente versetur? Cujus opes tantae esse possunt aut umquam fuerunt quae sine multorum amicorum officiis stare possint? quae certe sublata memoria et gratia nulla exstare possunt. Equidem nil tam proprium hominis existimo quam non modo beneficio, sed etiam benevolentiae significatione alligari, nihil porro tam inhumanum, tam immane, tam ferum, quam committere ut beneficio non dicam indignus sed victus esse videare. Quae quum ita sint, jam succumbam, Laterensis, isti tuo crimini, meque in eo ipso, in quo nihil potest esse nimium, quoniam ita tu vis, nimium me gratum esse concedam, petamque a vobis, judices, ut eum beneficio complectamini, quem qui reprehendit, in eo reprehendit quod gratum praeter modum dicat esse. Neque enim illud ad negligendam meam gratiam debet valere, quod dixit idem, vos nec nocentes nec litigiosos esse, quo minus me apud vos valere oporteret; quasi vero in amicitia mea non haec praesidia, si quae forte sunt in me, parata semper amicis esse maluerim quam necessaria. Etenim ego de me tantum audeo

made to harmonize with the system is education, by which the State is preserved and the individual is fashioned to be what he ought to be as a member of the organized whole. Aristotle (Politik, viii. c. 1) has the same views of a State and of education; and he praises the Lacedaemonians, 'for they take the greatest pains about the education of their children, and that too as a public concern.'

[*ipse*] *ille mutus*] Wunder omits 'ipse.' —'altus:' 'alitus' T. E. Both 'altus' and 'alitus' were used, says Priscian, quoted by Garatoni: "Ab alo tam altus quam alitus dicitur. Cicero pro Plancio, ubi altus est; Sallustius in Jugurtha, et omnem aetatem Arpini altus. In quibusdam autem codicibus etiam alitus invenitur." Garatoni concludes that the older form is 'altus,' and he gives his reasons for this opinion.

nulla exstare] 'nullae extare' T. E. But 'nulla' refers to 'quae,' and 'quae' refers to 'officiis.' The argument is this: What man can be strong enough without the services (officia) of his friends? but these services will never be rendered, if benefactors suppose that they will be forgotten and treated with ingratitude.

victus esse] 'overpowered,' so as to seek for no opportunity of returning a kindness. This is Weiske's explanation. The conclusion hangs loosely on the premises 'tam inhumanum . . . ferum.'

eum beneficio] 'eum,' Cicero. The 'beneficium' would be Plancius' acquittal. —'meam gratiam:' 'my gratitude to you,' the gratitude which I shall show in return for your 'beneficium.' Laterensis had said to the Judices, that they were not persons likely to run the risk of a trial (nocentes), nor were they persons fond of litigation; and he said it, as the orator explains, to show there was the less reason for Cicero having any weight with them, for his gratitude could only be shown to those who wanted his services. Cicero's words 'quasi vero,' &c., explain his meaning.

dicere, amicitiam meam voluptati pluribus quam praesidio fuisse; meque vehementer vitae meae poeniteret, si in mea familiaritate locus esset nemini nisi litigioso aut nocenti.

XXXIV. Sed haec nescio quomodo frequenter in me congessisti saneque in eo creber fuisti, te idcirco in ludos caussam conjicere noluisse, ne ego mea consuetudine aliquid de tensis misericordiae caussa dicerem quod in aliis aedilibus ante fecissem. Non nihil egisti hoc loco; nam mihi eripuisti ornamentum orationis meae. Deridebor si mentionem tensarum fecero, quum tu id praedixeris: sine tensis autem quid potero dicere? Hic etiam addidisti me idcirco mea lege exsilio ambitum sanxisse, ut miserabiliores epilogos possem dicere. Non vobis videtur cum aliquo declamatore, non cum laboris et fori discipulo disputare? Rhodi enim, inquit, ego non fui: me vult fuisse: sed fui, inquit,—putabam in Vaccaeis dicturum—bis in Bithynia. Si locus habet reprehensionis ansam aliquam, nescio cur severiorem Nicaeam putes quam Rhodum: si spectanda caussa est, et tu in Bithynia summa cum dignitate fuisti, et ego Rhodi non minore. Nam quod in eo me reprehendisti, quod nimium multos defenderem, utinam et tu qui potes, et ceteri qui

34. *Sed haec . . . dicere*] This passage is obscure, and Wunder admits that he cannot explain it. The point turns on this. Laterensis is supposed to have deprived Cicero of some common-place, which he would have introduced as usual. Laterensis did not choose to throw the trial of this case into the time when the Ludi Romani were celebrated, in order that Cicero might not use his common-place about the 'tensae' or 'thensae.' (See Verr. ii. 5, c. 72 and the note.)

ambitum . . . epilogos] The Lex Tullia made the penalty ten years' exile (Introduction). The true reading 'exsilio ambitum sanxisse' is due to the sagacity of Garatoni, and it is confirmed by the lemma of the Schol. Ambros. There is a sample of Cicero's 'epilogi' in the oration Pro Murena, c. 41, which was delivered after the enactment of the Lex Tullia.

videtur] This is Wunder's reading and Baiter's, in place of the common reading, 'videor.' 'Videtur' is the reading of E. and of some other MSS., and the better reading. Cicero means to say that Laterensis considers him a declamator, and not a man brought up in the toil of the Forum. See Index, Vol. iii. Declamatio; and Orat. c. 14: "non enim declamatorem aliquem de ludo aut rabulam de foro, sed doctissimum et perfectissimum quaerimus."

Rhodi enim] The Schol. Ambros. reminds us that Cicero when he was a young man went to Rhodes to improve himself in oratory under Apollonius, named Molo.—'in Vaccaeis:' among the Vaccaei, a Spanish people. It is not material whether this is the right reading or not. Laterensis says, 'Well, I never was at Rhodes' . . 'but I have been—I thought he was going to say among some people totally ignorant of the rhetorical art.' We must not conclude from this that Laterensis had been in Spain, nor can we accept Niebuhr's proposal to read 'Barcaeis,' because Laterensis had been quaestor in Cyrene (c. 5 and 26). However, Laterensis said that he had been twice in Bithynia in a military capacity, as Ferratius conjectures; and it may be so. Nicaea was the chief town in Bithynia. Cicero says that his purpose in going to Rhodes was as honourable as Laterensis' purpose, whatever it was, in being at Nicaea.

defenderem] The reading of A. T. E has 'defenderim,' as Baiter says. Wunder says that it has 'defenderem.' Wunder explains the difference between the meaning of the two words. 'Nimium multos defenderim' would mean 'for having defended too many,' which would not include the defence of Plancius. But the words 'hoc labore' show that Cicero is alluding to the present time, as well as the words 'tu qui

defugiunt, vellent me labore hoc levare! Sed fit vestra diligentia, qui in caussis ponderandis omnes fere repudiatis, ut ad nos pleraeque confluant, qui miseris et laborantibus nihil negare possumus. Admonuisti etiam, quod in Creta fuisses, dictum aliquod in petitionem tuam dici potuisse; me id perdidisse. Uter igitur nostrum est cupidior dicti? egone, qui quod dici potuit non dixerim; an tu, qui etiam ipse in te dixeris? Te aiebas de tuis rebus gestis nullas litteras misisse, quod mihi meae quas ad aliquem misissem obfuissent. Quas ego mihi obfuisse non intelligo, rei publicae video prodesse potuisse.

potes,' &c. The text means then 'as to your blaming me for defending too many persons.' Cicero, as he says in his letters to Quintus (ii. 16; iii. 3; referred to by Wunder), was very busy at this time.

in caussis] Baiter drops 'in.' Wunder maintains that it is necessary. The meaning of the sentence is this, whether we accept 'in' or reject it: 'But it is the consequence of the scrupulousness of such men as you, who, after well weighing your cases, reject nearly all, that most of them crowd to me.'

Creta] Laterensis having been in Creta, reminds Cicero that he had missed the occasion of a joke about his candidateship, for the 'candidati' wore dresses cleaned or whitened for the occasion. Garatoni refers to Persius (v. 177), 'cretata ambitio,' and to the passage in Livy (iv. 25, quoted in the Introduction to this oration). If Laterensis said what Cicero attributes to him, and we must suppose that he did, he was a trifler, and the master of rhetoric paid him off well.

The Schol. Ambros. has a wonderful note here. He says: "et solebant omnes candidati alba creta oblinire cervicem ut populo notabiliores essent." This makes even Garatoni merry; and among other things he asks, Why not whiten their faces? But he mistook the colour. Black would have suited most of them best.—'cupidior dicti:' 'fonder of saying smart things.'

Te aiebas] The Schol. Ambros. explains this. Laterensis said that he sent no despatches to Rome. We may infer from this that in Bithynia or elsewhere he had held a command. He did not send 'litterae,' because he knew by experience that Cicero's 'litterae' to a certain person had done him harm. The allusion is to a long letter (ad instar voluminis scriptam) about his consulship, sent by Cicero to Cn. Pompeius when he was in Asia. This letter does not exist. The great man was offended at the arrogance which this bulky letter contained. This letter is mentioned in the oration Pro Sulla, c. 24, and the note. This big letter of Cicero is the occasion of one of Garatoni's big notes, which after all is worse than useless, if he has failed in his attempt to prove that the Scholiast is wrong when he says of this letter, "aliquanto, ut videbatur, insolentius scriptam, ut Pompei stomachum non mediocriter commoveret—Obfuerunt autem re vera; nam sic effectum est, ut ei Pompeius contra Clodianam vim non patrocinaretur." Wunder maintains that Cicero did damage himself by this letter, and this is a correct conclusion from Cicero's own writings. Pompeius had indeed other reasons for being cool with Cicero somewhat later; but the tone in which he replied to Cicero shows how he took the big letter; perhaps he treated it as such letters should be treated. Cicero (Ad Div. v. 7, addressed to Pompeius) says, "Ad me autem litteras quas misisti, quamquam exiguam significationem tuae erga me voluntatis habebant, tamen mihi scito jucundas fuisse." The great man wrote coldly after the receipt of this letter, but his flatterer was not to be rebuffed so easily. He returns to the charge: "Res eas gessi, quarum aliquam in tuis litteris et nostrae necessitudinis et rei publicae caussa gratulationem expectavi, quam ego abs te praetermissam esse arbitror, quod vererere ne cujus animum offenderes." There was not a word of congratulation in the general's answer from Asia to the long letter. The last part of this chapter is an admission that this letter did Cicero harm, for it failed to secure him the support of Pompeius against the men who from the time of Cicero's consulship were planning his ruin. The great man on his return affected a show of friendship to Cicero for a time (Philipp. ii. c. 5; De Off. i. 22), but he was never sincere, not more sincere than Cicero.

XXXV. Sed [sunt] haec leviora ; illa vero gravia atque magna, quod meum discessum, quem saepe defleras, nunc quasi reprehendere et subaccusare voluisti. Dixisti enim non auxilium mihi, sed me auxilio defuisse. Ego vero fateor me, quod viderim mihi auxilium non deesse, idcirco me illi auxilio pepercisse. Qui enim status, quod discrimen, quae fuerit in re publica tempestas illa, quis nescit? Tribunicius me terror an consularis furor movit? Decertare mihi ferro magnum fuit cum reliquiis eorum, quos ego florentes atque integros sine ferro viceram? Consules post hominum memoriam taeterrimi atque turpissimi, sicut et illa principia et hi recentes rerum exitus declararunt, quorum alter exercitum perdidit, alter vendidit, emptis provinciis, a senatu, a re publica, a bonis omnibus defecerant: qui exercitu, qui armis, qui opibus plurimum poterant, quum quid sentirent nesciretur, furialis illa vox, nefariis stupris religiosis altaribus effeminata, secum et illos et consules facere acerbissime personabat; egentes in locupletes, perditi in bonos, servi in dominos armabantur. At erat mecum senatus, et

35. *Sed [sunt] haec*] The word 'sunt' seems in this place to be at variance with Tully's usage: see Cicero, Philipp. iii. c. 9: "Sed haec leviora fortasse; illud quaeso;" and Phil. ii. 11: "Sed haec vetera: illud vero recens" (Wunder).—'meum discessum:' the old story about his leaving Rome in B.C. 58 to avoid his enemies (In Vatin. c. 3; In Pis. c. 9, and c. 14; Pro Sestio, c. 16, &c.).—'auxilio pepercisse:' see c. 36, the beginning.

reliquiis] He calls his enemies a remnant of Catilina's crew, whether truly or not, we cannot say; but he often does it (In Pis. c. 7 and 10).—'consules:' Piso and Gabinius, consuls of the year B.C. 58, when P. Clodius was tribune. The first acts (principia) of their consulship are spoken of in the oration In Pisonem, and the recent events (recentes rerum exitus) in the oration De Prov. Cons. The 'alter' who lost his army is Piso, the governor of Macedonia; the other 'alter' is Gabinius, who "regem Ptolemaeum acceptis decem millibus talentum per vim militarem exercitus Romani restituisset in regnum suum" (Schol. Ambros.). See Pro Rabirio Post. c. 8.

emptis provinciis] See De Prov. Cons. c. 4. There are numerous passages in which Cicero speaks of the two consuls bargaining for their provinces with the tribune P. Clodius. 'By buying the provinces,' bargaining for them, 'the two consuls had deserted the senate, the State, and all good men.'

qui exercitu] This is Caesar; and we get rid of some little difficulty by the better reading 'exercitu' (T. E.) in place of 'exercitibus.' However, even if we have 'exercitibus,' he still means Caesar's army only, which was in North Italy (Pro Sestio, c. 17, 18, 19). He also alludes in the words 'qui opibus' to M. Crassus and Cn. Pompeius.

nefariis stupris] An allusion to the affair of P. Clodius and the Bona Dea (Ad Att. i. 12; De Prov. Cons. c. 10; In Pison. c. 39, and the Index to Vol. iii.).

et illos et consules] As the three great men, C. Caesar, M. Crassus, and Cn. Pompeius said nothing against P. Clodius, he could say, and they allowed him to say, that they were on his side (et illos), as well as the two consuls. (Pro Sestio, c. 18 and 19.)

At erat mecum senatus] The MSS. have 'Aderat' in place of 'At erat;' and also further on, 'Aderat mecum cunctus,' &c. Wunder has changed 'Aderat' into 'At erat' in both places, and for sufficient reasons. The sense requires the adversative particle 'At.' Besides this, 'aderat,' which would mean 'helped me, assisted me,' on my trial, or something of the kind, would not express the fact; nor is there any sense in which we can understand 'aderat.' Wunder remarks that in fact he has made no change at all, for it was usual in Cicero's time to write both the preposition and the conjunction with a *d*. Quintilian (i. 7): "illa quoque servata est a multis differentia,

quidem veste mutata; quod pro me uno post hominum memoriam publico consilio susceptum est. Sed recordare qui tum fuerint consulum nomine hostes, qui soli in hac urbe senatum senatui parere non sirint, edictoque suo non luctum patribus conscriptis, sed indicia luctus ademerint. At erat mecum cunctus equester ordo; quem quidem in contionibus saltator ille Catilinae consul proscriptionis denuntiatione terrebat. At tota Italia convenerat; cui quidem belli intestini et vastitatis metus inferebatur.

XXXVI. Hisce ego auxiliis studentibus atque incitatis uti me, Laterensis, potuisse confiteor; sed erat non jure, non legibus, non disceptando decertandum: nam profecto, praesertim tam bona in caussa, numquam, quo ceteri saepe abundarunt, id mihi ipsi auxilium meum defuisset: armis fuit, armis, inquam, fuit dimicandum, quibus a servis atque a servorum ducibus caedem fieri senatus et bonorum rei publicae exitiosum fuisset. Vinci autem improbos a bonis fateor fuisse praeclarum, si finem tum vincendi viderem: [quem

ut ad, cum esset praepositio, d litteram, cum autem conjunctio, t acciperet;" in the palimpsests also, Wunder says, 'at' is very often written 'ad.' So in the De Republica, ed. Mai, i. c. 9, we have 'adqui' in the MSS. for 'atqui;' and in i. c. 16 there is 'adque' twice for 'atque.—'erat mecum:' that no one may find a difficulty in this expression Wunder quotes Pro C. Rabirio, c. 8, "ut aut cum Saturnino esset aut cum bonis;" and Philipp. viii. c. 11. After these three passages, 'At erat mecum senatus,' 'At erat mecum cunctus equester ordo,' 'At tota Italia,' we have respectively 'et quidem,' 'quem quidem,' 'cui quidem.' The three clauses beginning with 'At' are in the nature of an objection by Laterensis, of an argument why Cicero should have stayed at Rome. 'But you had the senate on your side,' 'But all the equestrian class was with you,' and so on; to which Cicero replies severally: 'Yes, and in mourning;' 'Yes, the equites who were threatened with proscription;' 'Yes, all Italy, which was terrified with the prospect of civil war and devastation:' all which were reasons for not staying at Rome and fighting it out.

veste mutata] The senate put on the dress of mourning in the time of Cicero's peril, but the consuls would not allow it ('senatum senatui parere non sirint.' Compare In Pison. c. 8, and the note; Pro Sestio, c. 19).—'sirint:' Wunder's orthography. The various past tenses of this verb 'sinere' were often contracted. Wunder refers to 'sissent,' Pro Sestio, c. 19, and to many other examples. Ernesti wrote 'siverunt . . . ademerunt,' because he takes these words to express the judgment of Cicero. They do express it, but not in that direct form which requires the indicative. The critics, as usual, speak of 'qui' being here put for 'quia' or 'quum,' instead of explaining it as they ought to do.

saltator] Gabinius. In the In Pis. c. 8 Gabinius is a 'saltatrix tonsa.' See also In Pis. c. 10. Ernesti would erase 'Catilinae,' but this style of criticism is contrary to good sense. The word is intelligible and has a meaning, which the Schol. Ambros. saw, and his note is a proof of the high antiquity of the reading. Wunder refers to a like expression In Pis. c. 9: "cum altero Catilinae lanternario consule."

36. *disceptando*] See Index, Vol. i. Disceptare.—'auxilium meum:' his eloquence, which others had often had the benefit of. Garatoni refers to In Pis. c. 9: "Quasi vero non modo ego, qui multis saepe auxilio fuissem."

fuisse praeclarum] "Ne *futurum fuisse* dici debuisse putes, confer G. T. A. Krugerum . . . . Untersuchungen aus dem Gebiete der lat. Sprachlehre" (Wunder). He refers to the same writer for an explanation of 'si . . viderem,' where the 'tirones' would have expected 'si . . vidissem.' He also refers to this oration, c. 20, "neque enim . . nisi viderent;" and to two examples from the spurious orations. In the De Senect. c. 23 there is 'tanta esse conatos

profecto non videbam.] Ubi enim mihi praesto fuissent aut tam fortis consul quam L. Opimius, quam C. Marius, quam L. Flaccus? quibus ducibus improbos cives res publica vicit armatis; aut si minus fortes, at tamen tam justi quam P. Mucius, qui arma, quae privatus P. Scipio sumpserat, ea Ti. Graccho interempto jure optimo sumpta esse defendit? Esset igitur pugnandum cum consulibus. Nihil dico amplius nisi illud: victoriae nostrae graves adversarios paratos, interitus nullos [esse] ultores videbam. Hisce ego auxiliis salutis meae si idcirco defui, quia nolui dimicare, fatebor, id quod vis, non mihi auxilium, sed me auxilio defuisse. Sin autem, quo majora studia in me bonorum fuerunt, hoc iis magis consulendum et parcendum putavi, tu id in me reprehendis, quod Q. Metello laudi datum est hodieque est et semper erit maximae gloriae? quem, ut potes ex multis audire qui tum affuerunt, [constat] invitissimis viris bonis cessisse, nec fuisse

. . . nisi cernerent;' which means 'they did not attempt such great things without seeing.' Again, in this chapter, 'nec fuisse dubium quin . . . posset esse;' 'it is certain that there was no doubt about the possibility of his being victorious.' In this passage 'vidissem,' which the 'tirones' would have expected, would spoil Cicero's meaning, who says in substance, though not in form, 'I confess it was a noble thing, but I did not then see a termination to the victory.' The examples from the Verrine orations alone of the cases in which one tense or the other is used, are innumerable. Cicero says (ii. 3. 58): "tu unquam tantam plagam accipere potuisses, nisi hoc ita statuisses?" 'would you ever have been able to bear such a blow, if you had not first made up your mind about this, that' &c.: (ii. 5. 58): "si qui rex . . fecisset aliquid . . ejusmodi, nonne publice vindicaremus?" 'if any king had done any thing of the kind, should we not punish him?'

tum vincendi] 'Tum' is a better reading than 'eum,' which Wunder says Cicero could not have written, and he explains why he could not have written it. The explanation seems to me worth little. He also retains 'quem . . videbam,' which words are omitted in T. E.; and he contends that if we omit them, there is a want of connexion between this sentence and the next. But I do not think that he establishes this satisfactorily.

Ubi enim mihi praesto fuissent] Wunder refers to the Pro Sestio, c. 19. It is tedious to be always telling the reader what he well knows, if he knows much of Cicero. He employs some of his characters as regularly as Terence does a Davus or a Geta. As to Opimius see c. 28. L. Valerius Flaccus is C. Marius' colleague in the consulship (Pro C. Rabirio, c. 7). Baiter has 'fortes consules.' P. Mucius is Scaevola, consul in the year in which T. Gracchus was killed. P. Scipio Nasica was Pontifex Maximus at that time (In Cat. i. 1).

sumpserat] T. E. have 'ceperat;' and Baiter. Wunder has 'sumpserat,' and a very long note on the difference between 'capere arma' and 'sumere arma,' which the curious must read themselves. He correctly remarks that 'sumpserat' is the right word here, as the word 'sumpta' shows.

Q. Metello] Wunder remarks that Cicero very often compares himself with Q. Metellus Numidicus. 'Tis quite true, and very tiresome. To give a little variety in the history of Metellus, I refer the reader to a chapter in Gellius (i. 6), where we learn something of his opinions about marriage.

[*constat*]] Bake proposed to eject this word as an interpolation, and he finds some evidence of interpolation in the fact of the word not occupying the same place in all the MSS. But that argument goes too far. His chief objection is that 'ex multis audire potes' and 'constat' are very ineptly joined. If 'constat' is left out, we have an 'exquisita et vere Ciceroniana structura.' He adds "saepius enim constructio e relativo suspensa non absolvitur, sed ad proxumum se accommodat;" the precise meaning of which the reader may exercise himself in finding out. Wunder in his note repents

dubium quin contentione et armis superior posset esse. Ergo ille quum suum, non quum senatus factum defenderet, quum perseverantiam sententiae suae, non salutem rei publicae retinuisset, tamen, quod illud voluntarium vulnus accepit, justissimos omnium Metellorum et clarissimos triumphos gloria et laude superavit, quod et illos ipsos improbissimos cives interfici noluit, et ne quis bonus interiret in eadem caede providit: ego tantis periculis propositis, quum, si victus essem, interitus rei publicae, si vicissem, infinita dimicatio pararetur, committerem ut idem perditor rei publicae nominarer qui servator fuissem? XXXVII. Mortem me timuisse dicis. Ego vero ne immortalitatem quidem contra rem publicam accipiendam putarem, nedum emori cum pernicie rei publicae vellem. Nam qui pro re publica vitam ediderunt, licet me desipere dicatis, numquam me hercule eos mortem potius quam immortalitatem assequutos putavi. Ego vero si tum illorum impiorum ferro ac manu concidissem, in perpetuum res publica civile praesidium salutis suae perdidisset. Quin etiam, si me vis aliqua

of leaving 'constat' in the text. Baiter keeps it. It is certain that it can be left out. The use of the relative often leads to some confusion in the Roman writers, and perhaps to careless writing. There is a curious example at the end of c. 38. Here the word 'audire' performs a double part: it serves the clause 'ut potes,' and the infinitive 'cessisse.' If we translate this Latin relative in the way most conformable to our own idiom, the whole is plain: 'and he, as you may learn from many . . retired.' Bake refers to an apposite example in the De Off. i. 7: "Sed quoniam . . . creari."

suum] Metellus' refusal to swear to the Lex of Saturninus (see Pro Sestio, c. 16, and the note). Cicero would have been defending the 'senatus factum' if he had stayed and fought, for the senate had condemned the conspirators, and Cicero merely executed the sentence (Manutius)

quod illud] 'quum illud,' Wunder. T. E. have 'tamen ob illam quod.' Baiter has 'tamen ob illam caussam quod,' following Klotz. The various readings show that there is something wrong. The 'voluntarium vulnus' is Metellus' voluntary exile, which prevented a great disturbance.

infinita] "Infinita dimicatio non est quae finem habeat nullum, sed quae cum ingenti armorum vi, cui Cicero par esse non poterat, futura sit, quae vis exercitu Caesaris et delectu consulari constat" (Garatoni). It seems that 'infinita,' whatever it means, must have the same meaning as 'si finem vincendi viderem' in this chapter. He means, I think, that if he had been defeated, there would have been an end of the State, and if he were victorious, that would not have ended the struggle.

37. *Mortem me timuisse*] Perhaps he did. He does not deny it. But he says he could not have thought of accepting even immortality contrary to the interests of the State, much less could he have chosen to die, when his death would have ruined the State. 'Immortality' implies death, and a death which would have brought him 'immortality,' what is commonly called a glorious death. As to Cicero's notion of immortality see Index, Vol. iii., Cicero.

ediderunt] This is preferred to the other reading, 'dediderunt.'—'civile praesidium:' as Cicero says 'in perpetuum,' he cannot be speaking of himself only, but of all who undertake to protect the State against knaves.—'natura ipsa:' he means a death not by disease, for he has mentioned that, but the exact meaning of 'natura ipsa,' notwithstanding Manutius has undertaken to explain it, does not seem clear, unless we take the explanation offered by the similar passage in the Pro Sestio (c. 22): "non solum si vi interissem, sed etiam si morbo extinctus essem." Again in this oration, c. 42, he says: "sin autem vitam mihi fors ademisset aut vis aliqua major reditum peremisset."

morbi aut natura ipsa consumpsisset, tamen auxilia posteritatis essent imminuta, quod peremptum esset mea morte id exemplum, qualis futurus in me retinendo fuisset senatus populusque Romanus. An si umquam vitae cupiditas in me fuisset, ego mense Decembri mei consulatus omnium parricidarum tela commossem? quae, si viginti quiessem dies, in aliorum vigiliam consulum recidissent. Quamobrem si vitae cupiditas contra rem publicam est turpis, certe multo mortis cupiditas mea turpior fuisset cum pernicie civitatis. Nam quod te esse in re publica liberum es gloriatus, id ego et fateor et laetor, et tibi etiam in hoc gratulor: quod me autem negasti, in eo neque te neque quemquam diutius patiar errare. XXXVIII. Nam si quis idcirco aliquid de libertate mea deminutum putat, quod non ab omnibus eisdem, a quibus antea solitus sum dissentire, dissentiam, primum, si bene de me meritis gratum me praebeo, non desino incurrere in crimen hominis nimium memoris nimiumque grati; sin autem aliquando sine ullo rei publicae detrimento respicio etiam aliquando salutem quum meam tum meorum, certe non modo non sum reprehendendus, sed etiam, si ruere vellem, boni viri me ut id ne facerem rogarent. Res vero ipsa publica, si loqui posset, ageret mecum ut, quoniam sibi servissem semper, numquam mihi, fructus autem ex sese non ut oportuisset laetos et uberes, sed magna acerbitate permixtos tu-

retinendo] Garatoni altered to 'restituendo' because the allusion is to Cicero's restoration. If we may do this with an ancient text, we may do anything. Wunder agrees that Cicero could not have written 'retinendo' because the senate and the people did not retain him and keep him from going into exile. But he also maintains that 'restituendo' is not from Cicero's hand. It is true, if we leave out 'retinendo,' we get a common Latin form of expression, 'qualis futurus in me fuisset.'

I think this is all an idle discussion. We have 'retinendo' in the text, and it is suggested that it came from the 'interpres,' who added, says Wunder, many trifling explanations to this oration. But what if it is genuine? Why could not Cicero speak of what had been done for him, and why could he not say 'retinendo,' even if it is stronger than the truth, or not the truth. He often says as much.

Decembri] In which month the conspirators were executed.

38. *ab omnibus . . . dissentire*] An allusion to Cn. Pompeius and C. Caesar. Cicero often has to make his apology for his reconciliation with the men who helped to drive him from Rome. (De Prov. Cons.) He was now fully reconciled with Caesar, and Cicero's brother Quintus was with Caius in the invasion of Britain (B.C. 54).

non desino incurrere] If he shows gratitude to his friends, he cannot escape the imputation of excessive gratitude; but if he is reconciled to his enemies, which is implied in the words 'respicio etiam aliquando salutem,' &c., 'he is so far from meriting blame, that even if he had resolved to run all the risk of hostility, good men would have entreated him not to do so.'

si loqui posset] This is a rhetorical trick which he has practised several times. Garatoni refers to a passage in the long letter to Lentulus (Ad Div. i. 9), which every student of Cicero should read who would understand Cicero's character: "Collegi ipse me, et cum ipsa quasi re publica collocutus sum, ut mihi tam multa pro se perpesso atque perfuncto concederet, ut officium meum memoremque in bene meritos animum, fidemque fratris mei praestarem, eumque quem bonum civem semper habuisset, bonum virum esse pateretur."

lissem, ut jam mihi servirem, consulerem meis; se non modo satis habere a me, sed etiam vereri ne parum mihi pro eo quantum a me haberet reddidisset. Quid, si horum ego nihil cogito, et idem sum in re publica qui fui semper, tamenne libertatem requires meam? quam tu ponis in eo, si semper cum iis quibuscum aliquando contendimus depugnemus. Quod est longe secus. Stare enim omnes debemus tamquam in orbe aliquo rei publicae, qui quoniam versatur, eam deligere partem ad quam nos illius utilitas salusque converterit. XXXIX. Ego autem Cn. Pompeium—non dico auctorem, ducem, defensorem salutis meae—nam haec privatim fortasse officiorum memoriam et gratiam quaerunt—sed dico hoc quod ad salutem rei publicae pertinet—ego eum non tuear, quem omnes in re publica principem esse concedunt? Ego C. Caesaris laudibus desim, quas primum populi Romani, nunc etiam senatus, cui me semper addixi, plurimis atque amplissimis judiciis videam esse celebratas? Tum hercule me confitear non

quantum] Orelli, Wunder, Baiter. T. E. have 'quam tum,' which means 'quantum.' The common reading is 'quod tum.'

requires] 'Will you still affirm that I have lost my liberty?' For this is the meaning of 'requires' here.—'stare debemus . . . qui quoniam:' 'deligere' depends on 'debemus.' 'For we ought all to consider that we are standing on a kind of wheel in matters of the State, and since the wheel turns we ought to select that part to which the interest and safety of the State have directed us.' This clumsy half-metaphor he uses several times. He says (Ad Att. ii. 9): "hic orbis rei publicae est conversus." In the letter to Lentulus (i. 9, § 21) he has the same kind of argument with a ship in a storm to illustrate it. The conclusion is the same as here. You must look out in matters of State and do the best that you can for yourself.

Garatoni quotes, in illustration of 'qui quoniam,' &c., a passage in the Verr. Act i. c. 9: "Siculos sane in eo," &c.: see the note; and another, Verr. ii. 4, c. 58 (see the note). There is another passage in the Verr. ii. 4, c. 48 (and the note). Some people have written laboriously on the use of 'qui' and the subjunctive, which is generally no great difficulty to those who have read Latin authors with care. A complete examination of the use of 'qui' would be worth a Latin scholar's labour, and it would remove much confusion and misunderstanding.

39. *Ego autem Cn. Pompeium*] The sentence is interrupted, and he begins again: "ego eum non tuear," &c. Ernesti corrected, as he calls it, 'concedunt,' and made it 'concedant,' because he thought it more elegant; and he was confirmed in his opinion by observing in the next sentence 'laudibus desim, quas...videam.' Wunder's answer is this, that 'quem . . . concedunt' is merely a definition of 'eum,' and the direct form, the indicative is therefore necessary. In the second case 'quas . . videam' expresses the reason why Cicero cannot fall short in his respect or duty to Caesar.

We have more about Cn. Pompeius and Cicero's explanation of his present devotion to him in the In Pison. c. 31.

C. Caesaris] Having sung briefly the praises of Cn. Pompeius, he gives Caesar his turn. He lets us off with a short story here. But see In Pison. c. 32, and the note; De Prov. Cons. c. 8; Pro Balbo, c. 27. Wunder says, 'all that tempest to which Cicero had yielded, was said to have been stirred up by Caesar's instigation and help, and accordingly it was supposed that Cicero would always be Caesar's enemy.' There is no doubt that Caesar helped to drive Cicero out of Rome. Cicero says so himself (In Pis. c. 32). I refer again to Cicero's long letter to Lentulus (Ad Div. i. 9) for the explanation of his present policy.

populi Romani . . . judiciis] Manutius says that this is an allusion to the Lex Vatinia, by which Caesar got the province of Gallia Citerior for five years. The allusion to the senate is explained by the oration De Prov. Cons. c. 11, where we are told what the senate granted to Caesar.

judicium aliquod habuisse de rei publicae utilitate, sed hominibus amicum aut inimicum fuisse. An quum videam navem secundis ventis cursum tenentem suum, si non eum petat portum, quem ego aliquando probavi, sed alium non minus tutum atque tranquillum, cum tempestate pugnem periculose potius quam illi salute praesertim proposita obtemperem et paream? Ego vero haec didici, haec vidi, haec scripta legi; haec de sapientissimis et clarissimis viris et in hac re publica et in aliis civitatibus monumenta nobis [litterae] prodiderunt, non semper easdem sententias ab iisdem, sed quascumque rei publicae status, inclinatio temporum, ratio concordiae postularet, esse defensas. Quod ego et facio, Laterensis, et semper faciam, libertatemque, quam tu in me requiris, quam ego neque dimisi umquam neque dimittam, non in pertinacia, sed in quadam moderatione positam putabo.

XL. Nunc venio ad illud extremum quod dixisti, dum Plancii in me meritum verbis extollerem, me arcem facere ex cloaca lapidemque e sepulcro venerari pro deo, neque enim mihi insidiarum periculum ullum neque mortis fuisse. Cujus ego temporis rationem explicabo brevi neque invitus; nihil enim est ex meis temporibus quod minus pervagatum, quodque minus aut mea commemoratione

obtemperem et paream] Compare with this what he says about the ship in the letter to Lentulus (i. 9). After these words we find in some editions: "Neque enim inconstantis puto sententiam tamquam aliquid navigium atque cursum ex rei p. tempestate moderari:" which words are in the oration Pro Balbo, c. 27. Wunder says that these words are omitted in B. and E., and many other MSS.

monumenta . . . . litterae] A careful reader cannot fail to observe the expression 'haec de sapientissimis . . . monumenta nobis litterae prodiderunt,' where 'monumenta' is the accusative. But the expression 'monumenta litterae produnt' is not found elsewhere. 'Monumenta et litterae' occur, as in the Pro Ligario, c. 2, and elsewhere. Wunder conjectures that 'litterae' was written by somebody over 'monumenta,' and finally got into the text. We may further observe that in 'haec de sapientissimis,' 'haec' must stand alone, it cannot agree with such a word as 'monumenta' so placed. We must therefore erase 'litterae,' or write 'et litterae.' Ernesti cured the difficulty by a comma thus: 'monumenta nobis, litterae prodiderunt.' At any rate 'monumenta' must not be the accusative.

requiris] See above, note on 'requires.' Cicero says that he had not given up his liberty. We know that he had, and that he felt his subjection deeply.

40. *quod dixisti*] For 'quod' T. E. have 'in quo,' which Baiter has in his edition. Wunder thinks that 'in quo' "latinitate abhorret." Certainly 'quod' is simple and plain.

arcem . . . cloaca] This looks like some proverbial saying. Dobree, quoted by Wunder, says, "Lego *aram* pro *arcem*."

minus pervagatum] He means the danger that he was in during his exile, or the early part of it. Laterensis had denied that there was any.—'incendio legum, juris:' Wunder says 'leges' can be said 'incendi' rightly, and in the strict sense. He quotes In Pis. c. 7, and In Cat. iii. c. 8: "legum aera liquefacta" (see the note). But this is a mistake. He could no more speak of burning a Lex than of burning 'jus, senatus et boni homines,' and to these three last he could not, as Wunder truly says, apply the word 'incendere.' Wunder's conclusion is that 'incendio' is altogether metaphorical here; and it is a very safe conclusion, which nobody will dispute. But it is a bad metaphor. Nor is what follows better, in which the flames of his house, and these were real flames, threatened the city and all Italy with a conflagration; which, I suppose, was not a real conflagration.

celebratum sit aut hominibus auditum atque notum. Ego enim, Laterensis, ex illo incendio legum, juris, senatus, bonorum omnium cedens, quum mea domus ardore suo deflagrationem urbi atque Italiae toti minaretur nisi quievissem, Siciliam petivi animo, quae et ipsa erat mihi sicut domus una conjuncta et obtinebatur a C. Vergilio, quocum me uno vel maxime quum vetustas, tum amicitia, quum mei fratris collegia, tum rei publicae caussa sociarat. Vide nunc caliginem temporum illorum. Quum ipsa paene insula mihi sese obviam ferre vellet, praetor ille, ejusdem tribuni plebis contionibus propter eandem rei publicae caussam saepe vexatus, nihil amplius dico nisi me in Siciliam venire noluit. Quid dicam? C. Vergilio, tali civi et viro, benevolentiam in me, memoriam communium temporum, pietatem, humanitatem, fidem defuisse? Nihil, judices, est eorum, sed quam tempestatem nos vobiscum non tulissemus, metuit ut eam ipse posset opibus suis sustinere. Tum consilio repente mutato iter a Vibone Brundisium terra petere contendi; nam maritimos cursus praecludebat hiemis magnitudo.

XLI. Quum omnia illa municipia, quae sunt a Vibone Brundisium, in fide mea, judices, essent, iter mihi tutum multis minitantibus magno cum suo metu praestiterunt. Brundisium veni, vel potius ad moenia accessi. Urbem unam mihi amicissimam

petivi animo] He means 'intended to go to Sicily,' and he set out, but got no further than Vibo (Bivona), on the west coast of the Bruttii. He had always maintained friendly relations with Sicily since he was quaestor in that island.

Vergilio] T. E. This is the orthography of this name in the best and oldest MSS., and in inscriptions (Wunder).—'quum vetustas, tum amicitia:' the reading of E., which is better than the old reading 'vetusta amicitia.'—'collegia:' his conjunction with Q. Cicero as his colleague in the praetorship. After his praetorship Quintus had the government of Asia, and Vergilius of Sicily (Manutius).

iter . . . petere] Ernesti thought that 'iter' should be erased. But Ruhnken, quoted by Garatoni, proves that the Romans wrote so, as Livy 44, c. 2: "quod iter petiturus esset ignarus."

Cicero in one of his letters (Ad Att. iii. 4) says that he suddenly left Vibo, because he there received news that the terms of the Rogatio, which finally was passed, did not allow him to stay within four hundred miles; and for this reason he could not even go to Melita (Malta), which was in the province of Vergilius (see Index, Vol. i., Melita). He went to Brundisium by land to avoid the sea voyage in bad weather; and from Brundisium he crossed over to Epirus.

When Cicero left Rome he intended to visit Sicily, where he expected a welcome reception. He does not say where he received notice that Vergilius would not allow him to enter his province. He makes his reason for leaving Vibo all at once to be Vergilius' refusal; but in the letter to Atticus he states another reason. There is some difficulty in the passage of Cicero's letter (Ad Att. iii. 4) about the words, 'Illo quum pervenire non liceret;' but it does not belong to the present place to attempt to explain it.

41. *in fide mea*] 'Faithful to me.' See Pro Sex. Roscio, c. 33, and the note.—'ad moenia:' he reached Brundisium "A.D. XIV Kal. Mai" (Ad Att. iii. 7).—'unam mihi amicissimam:' 'one of all;' a common way of expressing a thing emphatically, as in Greek too. Compare c. 40: "quocum me vel uno;" and Virgil, Aen. i. 15: "magis omnibus unam."

declinavi, quae se vel potius exscindi quam e suo complexu ut eriperer facile pateretur. In hortos me M. Laenii Flacci contuli, cui quum omnes metus, publicatio bonorum, exsilium, mors proponeretur, haec perpeti si acciderent maluit quam custodiam mei capitis dimittere. Cujus ego et parentis ejus prudentissimi atque optimi senis et fratris et utriusque filiorum manibus in navi tuta ac fideli collocatus, eorumque preces et vota de meo reditu exaudiens, Dyrrachium quod erat in fide mea petere contendi. Quo quum venissem, cognovi, id quod audieram, refertam esse Graeciam sceleratissimorum hominum ac nefariorum, quorum impium ferrum ignesque pestiferos meus ille consulatus e manibus extorserat; qui antequam de meo adventu audire potuissent, quum tantum abessent aliquot dierum viam, in Macedoniam ad Planciumque perrexi. Hic vero simul atque me mare transisse cognovit—audi, audi, atque attende, Laterensis, ut scias quid ego Plancio debeam, confiteareque aliquando me quod faciam et grate et pie facere; huic, quae pro salute mea fecerit, si minus profutura sint, obesse certe non oportere—nam simul ac me Dyrrachium attigisse audivit, statim ad me lictoribus dimissis, insignibus abjectis, veste mutata, profectus est. O acerbam mihi, judices, memoriam temporis illius et loci, quum hic in me incidit, quum complexus est conspersitque lacrimis, nec loqui prae maerore potuit! O rem quum auditu crudelem, tum visu nefariam! o reliquos omnes dies noctesque eas, quibus iste a me non recedens Thessalonicam me in quaestoriumque perduxit! Hic ego nunc de praetore Macedoniae nihil dicam amplius nisi eum et civem optimum semper et mihi amicum fuisse, sed eadem timuisse quae ceteros; Cn. Plancium fuisse unum, non qui minus timeret, sed si acciderent ea quae

omnes metus] Wunder; who quotes Pro Sestio, c. 15, "alii metus atque aliae curae." He speaks of Flaccus in a letter to his wife (Ad Div. xiv. 3): "Nos Brundisii apud M. Laenium Flaccum dies XIII fuimus, virum optimum," &c. This letter is dated 'pridie Kal. Maias, Brundisio.' Flaccus is mentioned in the Pro Sestio, c. 63.—'Cujus ego:' T.; 'hujus ego,' Wunder.

exaudiens] When he was on shipboard. See Vol. iii., Index, Exaudire.

Dyrrachium] was a 'libera civitas,' as Cicero says (Ad Div. xiv. 1), "et in me officiosa et proxima Italiae;" but this letter was not written on his first visit to Dyrrachium, but when he returned thither from Thessalonica (A.D. VI Kal. Dec.) (Garat.).

tantum abessent] T. E. have 'tamen.' Two inferior MSS. of Wunder have 'tantum;' the rest have 'tum.' This confusion of 'tamen,' 'tantum,' 'tum,' is common, as Wunder remarks, and it is only the sense that can determine our choice of the reading.—'ad Planciumque:' 'ad Plancium quaestorem,' Wunder following the conjecture of Manutius.

quaestoriumque] We must infer that the 'quaestor' had either an official residence, or that his house in the province was a 'quaestorium,' while the quaestor occupied it. The 'praetorium' long continued to be the name of the provincial residence of a Roman governor, whatever his name and title were.—'praetore Macedoniae:' L. Apuleius, c. 11.

timerentur mecum ea subire et perpeti vellet. Qui, quum ad me L. Tubero, meus necessarius, qui fratri meo legatus fuisset, decedens ex Asia venisset, easque insidias quas mihi paratas ab exsulibus conjuratis audierat ad me animo amicissimo detulisset, in Asiam me ire propter ejus provinciae mecum et cum meo fratre necessitudinem comparantem non est passus: vi me, inquam, Plancius et complexu suo retinuit, multosque menses a capite meo non discessit abjecta quaestoria persona comitisque sumpta.

XLII. O excubias tuas, Cn. Planci, miseras! o flebiles vigilias! o noctes acerbas! o custodiam etiam mei capitis infelicem! si quidem ego tibi vivus non prosum, qui fortasse mortuus profuissem. Memini enim, memini, neque umquam obliviscar noctis illius, quum tibi vigilanti, assidenti, maerenti vana quaedam miser atque inania falsa spe inductus pollicebar; me, si essem in patriam restitutus, praesentem tibi gratias relaturum; sin autem vitam mihi fors ademisset aut vis aliqua major reditum peremisset, hos, hos—quos enim ego tum alios animo intuebar?—omnia tibi illorum laborum praemia pro me persoluturos. Quid me aspectas? quid mea promissa repetis? quid meam fidem imploras? Nihil tibi ego tum de meis opibus pollicebar, sed de horum erga me benevolentia promittebam; hos pro me lugere, hos gemere, hos decertare pro meo capite vel vitae periculo velle videbam; de horum desiderio, luctu, querelis quotidie aliquid tecum simul audiebam: nunc timeo ne nihil tibi praeter lacrimas queam reddere, quas tu in meis acerbitatibus plurimas effudisti. Quid enim possum aliud nisi maerere, nisi flere, nisi te cum mea salute complecti? Salutem tibi iidem

L. Tubero] An intimate friend of Cicero from his youth (Pro Ligario, c. 4 and 7), and a legatus to Q. Cicero in his government of Asia. Garatoni shows from Cicero's letters when Tubero came to him. Quintus after leaving his province (ante Kalendas Maias) reached Athens on the Ides of May (B.C. 58), and if Tubero left Asia at the same time as Quintus, he might easily have reached Thessalonica a little later (Ad Att. iii. 9). Cicero stayed with Plancius till the month of November, when Cicero returned to Dyrrachium, from which place he sent to his wife and to Atticus two letters which were written before he left Thessalonica (Ad Div. xiv. 1; Ad Att. iii. 22). The first of these two letters contains a short postscript in which he tells his wife that he returned to Dyrrachium A.D. VI Kal. Dec.

42. *praesentem . . . gratias*] T. E. The common reading is 'gratiam,' which makes the meaning ambiguous. The Romans said 'gratias referre' as well as 'gratiam referre.'

pollicebar—promittebam] Wunder directs our attention to the difference between these two words. He refers to De Lege Agrar. ii. 37, where 'pollicear' occurs; and to Ad Div. vii. 5, where we have: "neque mehercule minus prolixe de tua voluntate promisi quam eram solitus de mea polliceri." From this it appears that a man cannot be said 'polliceri' for another, and this is consistent with the use of 'polliceri.' But a man can also be said 'promittere' for himself. See Pro Quintio, c. 8, Vol. ii.

complecti] 'Make your life and interests one with mine.' In which sense he also

dare possunt qui mihi reddiderunt. Te tamen, exsurge quaeso, retinebo et complectar; nec me solum deprecatorem fortunarum tuarum, sed comitem sociumque profitebor; atque, ut spero, nemo erit tam crudeli animo tamque inhumano, nec tam immemor, non dicam meorum in bonos meritorum, sed bonorum in me qui a me mei servatorem capitis divellat ac distrahat. Non ego meis ornatum beneficiis a vobis deprecor, judices, sed custodem salutis meae; non opibus contendo, non auctoritate, non gratia, sed precibus, sed lacrimis, sed misericordia; mecumque vos simul hic miserrimus et optimus obtestatur parens, et pro uno filio duo patres deprecamur. Nolite, judices, per vos fortunas, per liberos vestros, inimicis meis, iis praesertim, quos ego pro vestra salute suscepi, dare laetitiam gloriantibus vos jam oblitos mei salutis ejus a quo mea salus conservata est hostes exstitisse. Nolite animum meum debilitare quum luctu, tum etiam metu commutatae vestrae voluntatis erga me: sinite me, quod vobis fretus huic saepe promisi, id a vobis ei persolvere. Teque, C. Flavi, oro et obtestor, qui meorum consiliorum in consulatu socius, periculorum particeps, rerum quas gessi adjutor fuisti, meque non modo salvum semper, sed etiam ornatum florentemque esse voluisti, ut mihi per hos conserves eum per quem me tibi et his conservatum vides. Plura ne

uses 'conjungere,' as in Pro Sulla, c. 10, quoted by Wunder.—'exsurge quaeso:' had Plancius thrown himself prostrate before the Judices?

per vos fortunas] 'per vos per fortunas,' T. E. Garatoni compares Sallust, Jug. c. 14, "per vos liberos atque parentes." Compare Livy xxix. 18, and xxiii. 9, where there is the complete expression, "Per ego te, inquit, fili . . . precor quaesoque ne," &c. Orelli compares the Greek form: *μή πρός σε τοῦ κατ' ἄκρον Οἰταῖον νάπος Διὸς καταστράπτοντος ἐκκλέψῃς λόγον.* Sophoc. Trachin. 436.

id a vobis . . persolvere] Ernesti correctly explains this expression, which means not to pay directly, but through another. Compare Pro Flacco, c. 15: "Ab A. Sextilio dicit se dedisse et a suis fratribus."

Flavi] T. E. and all the MSS. as it seems. Garatoni altered Flavi to Flave, and he is followed by Wunder and Baiter. Garatoni has a dissertation on this matter. The Quaesitor is named C. Alfius in c. 17, with the variation C. Alphius in some MSS., which is unimportant. C. Alfius was praetor this year, and he was Quaesitor on this trial (Ad Q. Fr. iii. 1). But in this chapter the same Quaesitor is addressed by the name of C. Flavius. There was a C. Flavius, whom Cicero mentions, and more than one; but none of them is the Quaesitor who presided at this trial. Garatoni, who had discussed at length the question of these Flavii, says in his Curae Secundae, that all his talk about the Flavii is of no use, and that Cicero is here addressing C. Alfius who is mentioned in c. 17. There is no doubt about that, and here he calls him C. Flavi, as he addresses Caesar (Pro Ligario) by the name of C. Caesar, and so we must conclude that Flavius is a cognomen of Alfius. Garatoni maintains that his name was C. Alfius Flavus, for Seneca the Rhetorician gives Flavus as the cognomen of the Alfii, and in Seneca's time there lived an Alfius Flavus who may have been the grandson or even the son of this man who presided at Plancius' trial. If the man's name was C. Alfius Flavius, we have both a nomen and cognomen ending in *ius*, which is not usual. But Garatoni cites the name of Marius Alfius, a magistratus of the Campani (Livy xxiii. 35).

dicam tuae me etiam lacrimae impediunt vestraeque, judices, non solum meae, quibus ego magno in metu meo subito inducor in spem, vos eosdem in hoc conservando futuros, qui fueritis in me, quoniam istis vestris lacrimis de illis recordor, quas pro me saepe et multum profudistis.

tuae . . . lacrimae . . . vestraeque] The 'miseratio' here has its effect. The 'quaesitor' cries, the 'judices' cry: they all cry together; and Cicero ought to win his cause. Such a 'miseratio' must not be measured by our opinions and habits. If it were well delivered, who can say that he would have resisted?

PRO C. RABIRIO POSTUMO

ORATIO.

INTRODUCTION.

PTOLEMAEUS, named Auletes, king of Egypt, being driven out by the Egyptians, or having fled for fear of them, went to Rome in B.C. 58 to entreat the senate to restore him. On his voyage to Rome he called at Rhodes, where he had an interview with M. Cato, which Plutarch (Cat. Min. c. 35) has described in a very amusing way. When Ptolemaeus got to Rome he wanted money, which he borrowed and employed in bribing some of the senators. His connexion with Rabirius seems to have begun before he was at Rome (c. 2). Rabirius found money for the king. In B.C. 56 Cicero, who was under obligations to P. Lentulus Spinther, on account of his restoration from exile, made a speech in the senate (Pro Rege Alexandrino), in which he supported Lentulus' claim to manage the business of Ptolemaeus. Lentulus was now Proconsul of Cilicia and Cyprus (B.C. 56), and in a convenient position to attend to the affairs of Egypt. It had been determined the year before that the future Proconsul of Cilicia should restore Ptolemaeus, and Lentulus was now the Proconsul; but at the close of B.C. 57 the enemies of Lentulus found something in the Sibylline books, or they invented it, which declared that it would be dangerous to the Roman state if an Egyptian king should be restored by force of arms. This led to many discussions in the senate (B.C. 56) and to various proposals about the best way of managing Ptolemaeus' restoration.

As the business was likely to be profitable, the king's restoration became a party question. Both Lentulus and Pompeius wished to have the commission. Cicero, in a letter to his brother (B.C. 56), says that the "king's creditors were openly supplying money against Lentulus." This hint would be more intelligible to his brother than to us, but we may deduce something from it. Rabirius may have been active here also. All

this matter is discussed in Cicero's letters to Lentulus (Ad Div. Lib. i.). Finally, the religious objection prevailed in the senate, and it was resolved to do nothing in this affair of Ptolemaeus. Ptolemaeus had left Rome for Ephesus about the end of B.C. 57, with the expectation of being restored by Lentulus. But help came from another quarter.

A. Gabinius, one of the consuls of B.C. 58, had got Syria for his province. He was a tool of Pompeius, who had resolved on settling Ptolemaeus' business in a short way. There is no doubt that Gabinius acted under his orders. Gabinius agreed with Ptolemaeus to restore him for ten thousand talents. Accordingly he took the king back to Egypt, and by force put the worthless fellow again on his throne (B.C. 55). Ptolemaeus had difficulty in paying the money, and we learn from this oration that Rabirius was appointed to collect his revenues, and, as we may infer, to pay Gabinius and himself too (Pro Rabirio, c. 10).

Gabinius had misconducted himself in his province, but the restoration of the king without the authority of the senate was an act of treason.

Before his return Cicero had done all that he could to give Gabinius a bad name. He charged him with gross maladministration in his province, and loaded him with the foulest abuse (In Pison.). On his return (B.C. 54) Gabinius stole into the city by night.' Three prosecutions awaited him. He was first tried on the charge of Majestas or treason, for going out of his province to make war; but he was acquitted by a small majority (Ad Q. Fr. iii. 4), and in part through the influence of Pompeius. The trial De Ambitu does not concern us here. The third prosecution was for Repetundae. The prosecutor was C. Memmius with L. Capito. Gabinius was charged with receiving the ten thousand talents from Ptolemaeus and with getting money in his own province by unfair means. Pompeius, who had always been a friend of Gabinius, did not desert him in his difficulties, and he urged Cicero to be reconciled to Gabinius. Cicero says in a letter to his brother (Ad Q. Fr. iii. 1. 5), "Pompeius has yet made no progress, nor will he, if I shall retain anything of my liberty." But he had lost his liberty when he came back from exile with the consent and aid of Pompeius, and to his great disgrace he dared not refuse to defend the man who in his own judgment deserved the severest punishment. Caesar, though engaged in his second British campaign, wrote to Rome in favour of Gabinius. We do not know why such a knave should have been worthy of Caesar's particular protection; but we may assume that Caesar had some good reasons for what he did, and that he acted with an eye to his own interest. Gabinius was convicted and went into exile, from which his friend Caesar recalled him in B.C. 49. Cicero still hated and despised the man (Ad Att. x. 8, § 3).

Gabinius' property was not sufficient to pay the sum which he was condemned to pay; but there was a clause in the Lex Julia De Repetundis which empowered the court to recover any money which the condemned person had improperly received, if it could be traced to another person's hand. This is the case of Rabirius, who was charged with having got into his hands in some way some of the money which Gabinius had illegally received. As Cicero had defended Gabinius he could consistently defend Rabirius, particularly as he would thus please his great friend and patron, who had now just returned to Gallia from his second British expedition.

C. Rabirius' father was named either C. Curius or C. Curtius; perhaps the latter is his true name. The son was adopted by his mother's brother, C. Rabirius, whose name accordingly he took (Pro Rabirio Post. c. 17). This C. Rabirius is supposed to be the man whom Cicero had defended B.C. 63 on a charge of Perduellio (Vol. ii.). We know no more about Postumus than what this oration tells us, and that he was sent into Sicily by C. Caesar in the African war (Bell. Afric. c. 8). He was engaged in the intrigues of Cn. Pompeius and Caesar, as we see from the facts of his dealings with King Ptolemaeus, his accompanying Gabinius to Egypt, and Caesar's giving him money in his difficulties. If he was convicted it does not follow, so far as I know, that he went into exile; but if he did, he was restored with his friend Gabinius by his great patron Caesar, who, as we have seen, employed him in the Civil War.

This speech is very corrupt. It is edited by Halm in the second edition of Orelli. The following are the MSS. cited by Halm :—

E = codex Monacensis Latinus num. 68 bibliothecae quondam electoralis.

S = codex quondam Salisburgensis, nunc Monacensis Lat. num. 15734.

U = codex Vindobonensis signatus $\frac{4}{\phi.\ 2}$

V = codex Vindobonensis signatus $\frac{\cdot\ 11}{\text{S. 1. a}}$. Utrumque diligenter contulit Alfredus Ludwig.

C = E S U V codices diligenter collati.

G = codex Alexandri Glorierii, quo usus est Muretus; v. ejus Variarum Lectionum lib. xvii. cap. 5. (I have mentioned these Variae Lectiones of Muretus in the notes, and I have consulted them.)

C H S T χ Ψ = codices Oxonienses.

Ciof. = codex Herculis Ciofani, ex quo Muretus ad marginem exempli sui Manutiani aliquot lectiones adscripsit unde eas Garatoni sumpsit. Sed videntur hae lectiones pleraeque conjecturae esse docti

hominis Itali, nec majorem fidem habent quam lectiones quas Hotomanus ex pervetusto (!), ut ait, codice protulit. Has quidem sine ullo curae nostrae detrimento praetermittere poteramus, nisi Klotzius his vanis commentis tantam fidem habuisset ut omnes lectiones istius codicis, quem ab ipso Hotomano fictum putamus, in verborum contextum recepisset.

De oratione emendanda optime meruit Andreas Patricius qui eam edidit Cracoviae a. 1582 in 4; sed bona pars ejus emendationum in Graevii commentario ad nostram usque aetatem neglecta jacuit.

M. TULLII CICERONIS

PRO

C. RABIRIO POSTUMO ORATIO

AD JUDICES.

I. Si quis est, judices, qui C. Rabirium, quod fortunas suas fundatas praesertim atque optime constitutas potestati regiae libidinique commiserit, reprehendendum putet, adscribat ad judicium suum non modo meam, sed hujus etiam ipsius qui commisit sententiam; nec enim cuiquam ejus consilium vehementius quam ipsi displicet. Quamquam hoc plerumque facimus, ut consilia eventis ponderemus, et cui bene quid processerit, multum illum providisse, cui secus, nihil sensisse dicamus. Si exstitisset in rege fides, nihil sapientius Postumo; quia fefellit rex, nihil hoc amentius dicitur; ut jam nihil esse videatur nisi divinare sapientis. Sed tamen, si quis est, judices, qui illam Postumi sive inanem spem, sive inconsultam rationem, sive, ut gravissimo verbo utar, temeritatem vituperandam putet, ego ejus opinioni non repugno: illud tamen deprecor, ut, quum ab ipsa fortuna crudelissime videat hujus consilia esse mulctata, ne quid ad eas ruinas quibus hic oppressus est addendum acerbitatis putet. Satis est homines imprudentia lapsos non eri-

1. *fortunas, suas .... constitutas*] V. Halm. Muretus says (Var. Lect. xvii. c. 5) that he had read this passage thus, 'suas fortunas ... constitutas,' in two old MSS. The common reading is 'suae fortunae ... constitutas opes.' Muretus thinks that 'suae fortunae opes' is not Latin. The 'potestati regiae' is an allusion to the king of Egypt.

consilia eventis] Compare In Pison. c. 41. Cicero repeats this common place in a letter to P. Lentulus (Ad Div. i. 7), and elsewhere. It is a common remark, but still it is very true. Dion (45, c. 4) applies it to the case of Octavius, who boldly came to Rome to take possession of the dictator's estate, and to assume his great name. He succeeded in his grand enterprize, and had the praise of being wise and prudent. So it is now. Success gilds crime and usurpation, and miserable men glorify a successful tyrant.

ut jam nihil ... sapientis] 'So that wisdom or prudence is now mere guess.' Ferratius, quoted by Halm, saw that there was something wrong here. The difficulty is in 'sapientis,' which perhaps should be 'sapientia.'

gere; urgere vero jacentes aut praecipitantes impellere certe est inhumanum, praesertim, judices, quum sit hoc generi hominum prope natura datum, uti, qua in familia laus aliqua forte floruerit, hanc fere qui sunt ejus stirpis, quod sermo hominum ad memoriam patrum virtute celebretur, cupidissime persequantur: siquidem non modo in gloria rei militaris Paullum Scipio aut Maximum filius, sed etiam in devotione vitae et in ipso genere mortis imitatus est P. Decium filius. Sint igitur similia, judices, parva magnis. II. Fuit enim pueris nobis hujus pater C. Curtius, princeps ordinis equestris fortissimus et maximus publicanus; cujus in negotiis gerendis magnitudinem animi non tam homines probassent, nisi in eodem benignitas incredibilis fuisset, ut in augenda re non avaritiae praedam, sed instrumentum bonitati quaerere videretur. Hoc ille natus, quamvis patrem suum numquam viderat, tamen et natura ipsa duce, quae plurimum valet, et assiduis domesticorum sermonibus in paternae culpae similitudinem deductus est. Multa gessit; multa contraxit; magnas partes habuit publicorum; credidit po-

ejus stirpis . . . celebretur] The reading of C. G. Halm has 'ejus stirpis quam sermo hominum ac memoria patrum virtutem celebret,' following Mommsen. The passage is corrupt. Cicero says that it is natural for the member of a family to follow that pursuit which has ennobled a family. It is one of his common places.—'P. Decium:' see Pro Sestio, c. 21, and the note (Vol. iii.).

2. *C. Curtius*] The MSS. reading is 'Curius.' Turnebus altered the name to 'Curtius,' and Halm accepts it, and withdraws his reading 'Curius' in the Pro C. Rabirio (c. 3, and the note, Vol. ii.), where he would now have 'Curtius.' Garatoni defends 'Curtius' and refers to c. 17, where the MSS. have 'Curti,' to Ad Att. ix. 2 and 5, and Ad Fam. xiii. 69.—'princeps ordinis equestris,' &c.: see Pro Plancio, c. 13, 'princeps.' Halm changes 'fortissimus' into 'fortunatissimus,' which is an idle alteration. Lambinus and Hotmann proposed 'florentissimus,' which is no better.

Hoc ille] "Immo *hic illo* vel *illo hic*," Halm. Rabirius, we must suppose, was born after his father's death, and hence his name Postumus.—'culpae:' the MSS. reading. Hotmann changed it to 'vitae,' which Halm has accepted. Cicero says below 'vitam patris . . . expresserat.' Manutius suggests 'curae.' Abrami supposes that Cicero says 'culpae,' not as expressing his own opinion, but what his opponents said.

Multa gessit] So Cicero often says 'negotium gerere;' and we have 'negotiorum gerens.' There is no allusion here to the 'negotiorum gestio' (Dig. 3, tit. 5).—'multa contraxit:' he made many contracts, which means that he was much engaged in commerce. See Index, Vol. ii.

publicorum] 'publicanorum' U., the only MS. quoted for this reading by Halm. But 'publicorum' is right. (De Domo, c. 28, note; Horace, Ep. i. 1. 76, 'conducere publica.') The Romans also said Publicum (De Prov. Cons. c. 5, and the note). The word occurs in Ulpian's definition of the Publicani: "Publicani autem sunt qui publico fruuntur" (Dig. 39. 4. 1, § 1). The 'publica' are the 'vectigalia,' which were farmed by the societies of Publicani, and Rabirius held many shares (partes) in these undertakings. He was a busy money-making man, who in our time would have been a railway speculator and director, a stock jobber, a loan contractor; a lender of money to foreign states, to kings, and to anybody, where there was a chance of profit. Rabirius had great influence. He got men places as collectors ('mittere in negotium:' compare Pro Plancio, c. 19). He gave them shares (partes) in undertakings. He was a right royal jobber and director; and his name should be recorded as one of the great men of ancient times, whose heroic deeds still live before our eyes in modern examples.

pulis; in pluribus provinciis ejus versata res est; dedit se etiam regibus: huic ipsi Alexandrino grandem jam antea pecuniam credidit; nec interea locupletare amicos umquam suos destitit, mittere in negotium, dare partes, re augere, fide sustentare. Quid multa? quum magnitudine animi, tum liberalitate vitam patris et consuetudinem expresserat. Pulsus interea regno Ptolemaeus dolosis consiliis, ut dixit Sibylla, sensit Postumus, Romam venit. Huic egenti et roganti hic infelix pecuniam credidit, nec tum primum, nam regnanti crediderat absens; nec temere se credere putabat, quod erat nemini dubium, quin is in regnum restitueretur a senatu populoque Romano. In dando autem et credendo processit longius, nec suam solum pecuniam credidit, sed etiam amicorum. Stulte: quis negat? aut quis jam non admonet? Quod male cecidit, bene consultum putares? Sed est difficile, quod cum spe magna sis ingressus, id non exsequi usque ad extremum. III. Supplex erat rex: multa rogabat: omnia pollicebatur; ut jam metuere Postumus cogeretur, ne quod crediderat perderet, si credendi constituisset modum. Nihil autem erat illo blandius, nihil hoc benignius, ut magis poeniteret coepisse quam liceret desistere.

Hinc primum exoritur crimen illud: senatum corruptum esse dicunt. O dii immortales! haec est illa exoptata judiciorum severitas? Corruptores nostri caussam dicunt: nos qui corrupti sumus non dicimus. Quid ego senatum defendam hoc loco, judices? Omni equidem loco debeo—ita de me est meritus ille ordo—sed id nec agitur hoc tempore, nec cum Postumi caussa res ista conjuncta est. Quamquam ad sumptum itineris, ad illam magnificentiam apparatus comitatumque regium suppeditata pecunia a Postumo est,

Pulsus] See In Pison. c. 21. The king came to Rome 'dolosis consiliis.' He came to corrupt the senate and secure his restoration to his kingdom. Cicero in his letters to P. Lentulus (Ad Div. i. 7) speaks of the objections to the king's restoration, which were founded on the Sibylline books; and he says that the people thought that this matter of the Sibylline books was a mere fiction (i. 4). He sneers at the 'homines religiosi' (i. 7), who relied on the Sibyll's words. See also Ad Q. Fr. ii. 2, § 3.

Huic . . . hic] 'Hic' twice in the same proposition and referring to different persons is not to be endured (Halm). But one of them is 'huic,' and that makes a difference. Halm puts [huic] thus; and injudiciously. Rabirius got a loan for the king ('nec suam . . . amicorum').

aut quis . . . . putares?] Perhaps this is corrupt. Halm prints 'aut quis jam volet quod male cecidit bene consultum putare?' Madvig hit on the same conjecture, except that he proposes 'andet.' in place of 'volet.'

3. *illo*] The king, the man who wanted the money. 'Hoc' is of course Rabirius. 'The king was so winning in his ways, and Rabirius so well disposed towards him, that he was rather sorry for having begun to lend than able to resist further demands.' But Rabirius hoped to get it all back again, and he knew what the king intended to do with the money, though Cicero of course is indignant at the suggestion of the senate being bribed by Ptolemaeus.

judiciorum severitas] This is supposed to be an allusion to the Lex Judiciaria of Cn. Pompeius, on which Asconius has a remark (In Pison. c. 39).

factaeque syngraphae sunt in Albano Cn. Pompeii, quum ille Roma profectus esset, tamen non debuit is qui dabat, quo modo ille qui accipiebat consumeret, quaerere. Non enim latroni, sed regi credidit; nec regi inimico populi Romani, sed ei cujus reditum consuli mandatum a senatu videbat; nec ei regi qui alienus ab hoc imperio esset, sed ei quicum foedus feriri in Capitolio viderat. Quod si creditor in culpa sit, non qui improbe credita pecunia usus est, damnetur is qui fabricatus gladium est et vendidit, non is qui illo gladio civem aliquem interemit. Quamobrem neque tu, C. Memmi, hoc facere debes, ut senatum, cujus auctoritati te ab adolescentia dedisti, in tanta infamia versari velis, neque ego id quod non agitur defendere. Postumi enim caussa quaecumque est sejuncta a senatu est. Quod si item a Gabinio sejunctam ostendero, certe quod dicas nihil habebis.

IV. Est enim haec caussa QUO EA PECUNIA PERVENERIT quasi quaedam appendicula caussae judicatae atque damnatae. Sunt lites aestimatae A. Gabinio, nec praedes dati, nec ex ejus bonis

syngraphae] See Vol. i., Index. The money was lent for Ptolemaeus' use, as he says, and lent at the Alban villa of Pompeius. 'Ille Roma' is Pompeius. Hotmann proposes to write 'illo,' because Rabirius' case would be better if the money had been lent in Pompeius' presence than in his absence. He also says that if we read 'ille' we cannot understand whither Pompeius had gone. As the text stands, Cicero says that Pompeius had left Rome; and we must be content to be ignorant of some of the great man's movements.

reditum . . mandatum] This is Halm's reading. Muretus found in one of his two MSS. 'cujus reditum consulicum datum,' and he conjectured that we should read 'cujus reditum consuli commendatum.' The consul, I suppose, is P. Lentulus Spinther. This Foedus was made, says Manutius, when Caesar was consul, as he writes in the third book of his Civil War. Hotmann refers to a passage of Festus: "Feretrius Juppiter, dictus a ferendo, quod pacem ferre putaretur: ex cujus templo sumebant sceptrum per quod jurarent et lapidem silicem quo foedus ferirent." This temple was on the Capitol, and treaties were made there, and the treaties were kept in the temple. Osenbrueggen (De Jure Pacis et Belli, p. 93, &c.) has some remarks on the formalities observed in making Foedera. He says that if the Foedus was made in the city, it seems certain that the Comitium was the usual place, but that this remark applies only to remote times, for the Foedus made with the 'legatus' of Antiochus was made in the Capitol (Livy 37, c. 55).

Quod si creditor, &c.] The reading of the ed. Basil, 1528 (Halm). He follows Madvig, who has 'Quod si creditoris culpa est, si qui.' Mommsen proposes 'Quod si creditores in culpa sunt, si qui,' which is better, and nearer to the MSS. reading 'creditor is in culpa.' The comparison does not help Cicero's case. If a man sells a sword to another, when he knows that the buyer is going to use it for an illegal purpose, he does wrong.

4. QUO] The words 'quo . . . pervenerit' are a quotation from the Lex Julia De Repetundis. We may translate it: 'For this case founded on the words of the Lex Quo, &c. is a kind of appendage to a case which has been tried and in which judgment has been given.'

lites aestimatae] The damages were assessed against Gabinius, but neither securities (praedes) were given, nor was the amount recovered by the sale of his property. Halm, following Mommsen, has "nec ex bonis populo *universa pecunia* exacta est." The reading in the text is from the MS. of Ciofanus (Muretus, Var. Lect. xvii. c. 5); but Muretus has omitted 'populo,' as Halm correctly observes. In some editions there is 'a populo recepta est. Lex aequa est,' which, as Hotmann says, has no meaning in it, and using his 'codex pervetustus' he writes 'a populo

quanta summa litium fuit populo [servari potest]. Jubet lex Julia persequi ab iis ad quos ea pecunia, quam is ceperit qui damnatus sit, pervenerit. Si est hoc novum in lege Julia, sicuti multa sunt severius scripta quam in antiquis legibus et sanctius, inducatur sane etiam consuetudo hujus generis judiciorum nova. Sin hoc totidem verbis translatum caput est, quod fuit non modo in Cornelia, sed etiam ante in lege Servilia, per deos immortales! quid agimus, judices, aut quem hunc morem novorum judiciorum in rem publicam inducimus? Erat enim haec consuetudo nota vobis quidem omnibus, sed, si usus magister est optimus, mihi debet esse notissima. Accusavi de pecuniis repetundis, judex sedi, praetor quaesivi, defendi plurimos. Nulla pars, quae aliquam facultatem discendi afferre posset, a me afuit. Ita contendo: neminem umquam QUO EA PECUNIA PERVENISSET caussam dixisse, qui in aestimandis litibus appellatus non esset. In litibus autem nemo appellabatur nisi ex testium dictis aut tabulis privatorum aut rationibus civitatum. Itaque in inferendis litibus adesse solebant qui aliquid de se verebantur; et quum erant appellati, si videbatur, statim contra dicere solebant: sin ejus temporis recentem invidiam pertimuerant, respondebant postea. Quod quum fecissent, permulti saepe vicerunt. V. Hoc vero novum est, ante hoc tempus omnino inauditum. In litibus Postumi nomen est nusquam. In litibus dico? Modo vos iidem in A. Gabinium judices sedistis. Num quis testis Postumum appellavit? testis autem? num accusator? num denique toto illo in judicio Postumi nomen

recepta est: at nec ex Postumi bonis servari legem aequum est;' and this rubbish has been repeated in many editions. Klotz says there is no doubt about the correctness of Hotmann's restoration out of his famous MS. (See the Introd.)

ceperit] This is a usual word in such cases. See Vol. I. Index—'sanctius:' this refers to the word 'sancire,' to fix a penalty in a Lex. 'Inducatur' is from Muretus' MSS. in place of 'iudicatur,' 'iudicata,' and other varieties.—'translatum caput:' a chapter or clause transferred from a prior to a subsequent Lex. See Vol. I. Index, Edictum Translatitium; and Lex Cornelia, Servilia.

Accusavi de] As in the case of Verres. He had defended several, M. Fonteius, L. Valerius Flaccus, and even A. Gabinius. He had presided during his praetorship at the trials of C. Manilius and C. Licinius Macer. He might properly say that he had experience in these matters.—'discendi:' Hotmann's emendation. The MSS. have 'dicendi.'—'a me afuit:' Halm. The MSS. have 'mea fuit.' The Aldine has 'non mea fuit,' which may be genuine.

qui in aestimandis] He says that no man had ever been brought to trial under the clause 'quo . . . pervenisset,' unless he had been summoned at the assessment of the damages; and such a summons was founded either on the oral evidence of the witnesses, or the books (tabulae) of private persons, or the accounts (rationes) of communities. There must be a foundation for the Appellatio.

in inferendis] G S. E. U. V. omit 'in.' Cicero means when the case was brought into court, as the context shows.

5. *novum est, ante*] Halm follows Patricius who says "'forte *est, et ante*' ex orat. pro Deiotaro, initio."—'in A. Gabinium . . sedistis:' compare 'quum in Gabinium judex esses' in this chapter. Cicero uses 'in' in this way several times.

audistis? Non igitur reus ex ea caussa quae judicata est redundat Postumus, sed est arreptus unus eques Romanus de pecuniis repetundis reus. Quibus tabulis? quae in judicio A. Gabinii recitatae non sunt. Quo teste? a quo tum appellatus nusquam est. Qua appellatione litium? in qua Postumi mentio facta nulla est. Qua lege? qua non tenetur.

Hic jam, judices, vestri consilii res est, vestrae sapientiae. Quid deceat vos, non quantum liceat vobis, spectare debetis. Si enim quid liceat quaeritis, potestis tollere e civitate quem vultis. Tabella est quae dat potestatem; occultat eadem libidinem; cujus conscientiam nihil est quod quisquam timeat, si non pertimescat suam. Ubi est igitur sapientia judicis? In hoc, ut non solum quid possit, sed etiam quid debeat, ponderet; nec quantum sibi permissum meminerit solum, sed etiam quatenus commissum sit. Datur tibi tabella judici. Qua lege? Julia de pecuniis repetundis. Quo de reo? De equite Romano. At iste ordo lege ea non tenetur.—Illo, inquit, capite, quod erat in Postumum, quod in Gabinium judex esses, nihil Gabinio datum, quum in eum lites aestimarentur.—At nunc audio.—Reus igitur Postumus est ea lege, qua non modo ipse, sed totus etiam ordo solutus ac liber est. VI. Hic ego nunc non vos prius implorabo, equites Romani, quorum jus judicio tentatur, quam vos, senatores, quorum agitur

redundat] Cicero often uses this word, and without any regard to its original sense. He means that 'Postumus is not made a defendant in consequence of the decision in a case which has been tried.'

Qua appellatione litium] Pantagathus proposed 'qua aestimatione,' which Halm has printed. Lambinus proposed 'illatione,' a word which has a like meaning with 'inferendis' above. The text is right, and it means "When or how was he summoned at the 'aestimatio litium?'" as Hotmann correctly explains it. Cicero only says what he has said before (c. 4), and he says it in another and a shorter way. Klotz has a good note on the passage, and he understood it right.

Hic jam, judices] Abrami compares with this passage the fifty-eighth chapter of the Pro Cluentio, "Est enim sapientia judicis," &c. He also compares a passage in Demosthenes, De Falsa Legatione, Οὐ γάρ εἰ κρύβδην, &c.; and he then piles together the references to the Pro Plancio, and to other passages, where Cicero speaks of the ballot, but the commentator makes no distinction between secret voting at an election and secret voting by a juryman.

tabella judici] Madvig, Mommsen, Halm. The MSS. have 'judicii.'

At iste ordo] See c. 13. The Lex Julia did not apply to the Equites, but it applied indirectly to any person into whose hands money had come in respect of which a man had been convicted under the Lex Julia.

Illo, inquit, . . . aestimarentur] The words 'illo capite' seem to refer to 'Quo pecunia pervenerit,' and Graevius proposed to insert these words after 'capite,' and Madvig also. What follows is in confusion. Madvig proposes: 'Nihil audisti in Postumum quum in Gabinium judex esses, nihil Gabinio damnato, quum in eum lites aestimares.'

6. *quorum jus*] 'Whose rights' are attacked by Rabirius being brought to trial under the Lex De Repetundis.—'consule Cn. Pompeio:' in B.C. 55. He brought before the senate (rettulit) the consideration of this 'quaestio,' on which occasion some senators proposed to declare that all Tribuni and others here enumerated should be considered as included in the Lex. This is an instance of the senate interpreting, or claiming to interpret, a Lex, and to extend

fides in hunc ordinem; quae quidem quum saepe ante, tum in hac ipsa caussa nuper est cognita. Nam quum, optimo et praestantissimo consule Cn. Pompeio de hac ipsa quaestione referente, exsisterent nonnullae, sed perpaucae tamen acerbae sententiae, quae censèrent ut tribuni, ut praefecti, ut scribae, ut comites omnes magistratuum lege hac tenerentur, vos, vos, inquam, ipsi et senatus frequens restitit; et quamquam tum propter multorum delicta etiam ad innocentium periculum tempus illud exarserat, tamen, quum odium non restingueretis, huic ordini ignem novum subjici non sivistis. Hoc animo igitur senatus. Quid vos equites Romani, quid tandem estis acturi? Glaucia solebat, homo impurus, sed tamen acutus, populum monere, ut, quum lex aliqua recitaretur, primum versum attenderet: si esset DICTATOR, CONSUL, PRAETOR, MAGISTER EQUITUM, ne laboraret; sciret nihil ad se pertinere: sin esset, QUICUMQUE POST HANC LEGEM, videret ne qua nova quaestione alligaretur. Nunc vos, equites Romani, videte. Scitis me ortum e vobis omnia semper sensisse pro vobis: nihil horum sine magna cura et summa caritate vestri ordinis loquor. Alius alios homines et ordines, ego vos semper complexus sum. Moneo et praedico, integra re caussaque denuntio, omnes homines deosque testor; dum potestis, dum licet, providete ne duriorem vobis conditionem statuatis ordinique vestro quam ferre possit. Serpet hoc malum, mihi credite, longius quam putatis. VII. Potentissimo et nobilissimo tribuno plebis, M. Druso, unam

it to cases, which it did not comprehend.—'scribae . . . comites:' see Vol. I. Index.

vos, vos . . ipsi] Those senators who were now sitting as Judices.—'non restingueretis:' 'nostrum restingueretis,' Madvig, Halm. The MSS. and editions have 'non.' It is plain that the sense requires 'non:' 'though you could not extinguish the ill-will, you would not let fresh fire be put under the equestrian order.' Manutius says, "magnum quiddam fuit in tanto odio, quod ad innocentium quoque periculum exarserat nec restingui poterat, saluti tamen consulere ordinis equestris nec pati quemquam ea lege teneri, praeter ordinem senatorum." This is the true explanation.

Glaucia] C. Servilius Glaucia. See the Introduction to the oration Pro C. Rabirio, Vol. ii. p. 472; In Cat. iii. c. 6 and the note. He says of Glaucia (Brutus, c. 62): "Longe autem post natos homines improbissimus C. Servilius Glaucia, sed peracutus et callidus cum primisque ridiculus." A Lex was read (recitata) before it was proposed. Glaucia told the people not to be concerned if the first line (versus) began with speaking of a dictator or such persons, but if a chapter began 'Whoever after the enactment of this Lex,' they must look to see that they were not brought within the risk of some new penalties. The words 'Quicumque post,' &c., are the formula with which many of the chapters of a Roman Lex began. There are some forms like this in the Lex Thoria, for instance: "IIvir quei ex h. l. (hac lege) factus creatusve erit." (Rudorff, Ackergesetz des Spurius Thorius, Zeitschrift für Geschichtl. Rechtsw. x. p. 182.)

integra re] While it was still in their power, for they had not yet given their verdict.—'Serpet hoc malum:' compare De Am. c. 12: "serpit deinde res," &c. Verr. ii. 3, c. 76: "ita serpit illud insitum natura malum."

7. *M. Druso*] Compare the passage about M. Livius in the oration Pro Cluentio, c. 56 and the note. Madvig proposes 'novam' for

in equestrem ordinem quaestionem ferenti, SI QUIS OB REM JUDICATAM PECUNIAM CEPISSET, aperte equites Romani restiterunt. Quid, hoc licere volebant? Minime; neque solum hoc genus pecuniae capiendae turpe, sed etiam nefarium arbitrabantur. Ac tamen ita disputabant eos teneri legibus oportere, qui suo judicio essent illam conditionem vitae secuti.—Delectat amplissimus civitatis gradus, sella curulis, fasces, imperia, provinciae, sacerdotia, triumphi, denique imago ipsa ad posteritatis memoriam prodita. Est simul etiam sollicitudo aliqua et legum et judiciorum major quidam metus. Nos ista numquam contempsimus—ita enim disputabant—sed hanc vitam quietam atque otiosam secuti sumus, quae quoniam honore caret, careat etiam molestia.—Tam es tu judex quam ego senator.—Ita est, sed tu istud petiisti; ego hoc cogor. Quare aut judici mihi non esse liceat aut legem lege senatoria non timere.—Hoc vos, equites Romani, jus a patribus acceptum amittetis? Moneo ne faciatis. Rapientur homines in haec judicia ex omni non modo invidia, sed sermone malevolorum, nisi cavetis. Si jam vobis nuntiaretur in senatu sententias dici ut his legibus teneremini, concurrendum ad curiam putaretis. Si lex ferretur, convolaretis ad rostra. Vos senatus liberos hac lege esse

the MSS. reading 'unam,' and Halm accepts it. 'Novam' is a very probable correction. At the time when Drusus proposed to make the Equites liable to be tried for taking a bribe as Judices, they were the only Ordo out of which the Judices were taken, pursuant to the Lex Sempronia.

The MSS. have 'judicatam.' Patricius proposed 'judicandam,' which Halm has, and he refers to Verr. Act i. c. 13. Compare also Ad Att. i. 17: "promulgatum ex senatusconsulto fuisse ut de iis qui ob judicandum pecuniam accepissent quaereretur." The Equites did not like this, he says.

legibus] Patricius, followed by Halm, adds 'iis' after 'legibus;' and he prefixes 'Te' to the address, 'Delectat amplissimus,' &c. The conjecture is ingenious, but not necessary, I think. The Equites are supposed to say to the senators: 'The highest rank in the State, and all these fine things are very pleasant, but we prefer going without them and not being subject to the dangers which they may bring.'

ad . . . prodita] Lambinus says that some critics think we should read 'prodendam.' Compare Verr. ii. 5, c. 14, and the note. Mommsen alters the MSS. reading 'Est simul' into 'Sit simul;' and Halm prints it. Patricius proposes 'Esto simul,' which is better.

major] "*majorum* codd.; Corr. Hotomanus," Halm; but Halm has made some mistake. Hotmann says "sollicitudo atque molestia, nimirum ob majorum judiciorum pericula . . . (*majorum* enim lego non *major*)."

Tam es tu, &c.] This is the reply of the Senator. The Eques rejoins that he is made a Judex against his will, and therefore should not be subjected to the same penalties as those who voluntarily seek place and power. Patricius proposes to omit 'Senator,' and Halm does it; or Patricius would write 'Tam es tu judex eques, quam ego Senator.' The meaning is 'You are a Judex as much as I am a Senator;' and therefore you should be liable as Judex. Manutius explains it right.

legem . . . timere] Here again Halm follows Patricius, who writes 'aut lege senatoria non teneri.' Antonius Augustinus proposes to read 'aut legem senatoriam non timere,' which is in one of Muretus' MSS. The 'lege senatoria' was Drusus' attempt to bring the Equites within the penalties of a Lex, which it was contended by the Equites did not apply to them.

si lex ferretur] Mommsen writes 'si

voluit: populus numquam alligavit; soluti huc convenistis: ne constricti discedatis cavete. Nam si Postumo fraudi fuerit, qui nec tribunus, nec praefectus, nec ex Italia comes nec familiaris Gabinii fuit, quonam se modo defendent posthac, qui vestri ordinis cum magistratibus nostris fuerint his caussis implicati?

VIII. Tu, inquit, Gabinium ut regem reduceret impulisti. Non patitur mea me jam fides de Gabinio gravius agere. Quem enim ex tantis inimicitiis receptum in gratiam summo studio defenderim, hunc afflictum violare non debeo: quocum stante si me Cn. Pompeii auctoritas in gratiam non reduxisset, nunc jam ipsius fortuna reduceret. Sed tamen, quum ita dicis, Postumi impulsu Gabinium profectum Alexandriam, si defensioni Gabinii fidem non habes, obliviscerisne etiam accusationis tuae? Gabinius se id fecisse dicebat rei publicae caussa, quod classem Archelai timeret, quod mare refertum fore praedonum putaret: lege etiam id sibi licuisse dicebat. Tu inimicus negas. Ignosco, et eo magis quod est contra illud judicatum. Redeo igitur ad crimen et accusationem tuam. Quid vociferabare? decem millia talentum Gabinio esse promissa. Huic videlicet perblandus reperiendus fuit, qui hominem, ut tu vis, avarissimum exoraret, sestertium bis millies et quadringenties ne magno opere contemneret. Gabinius illud, quoquo consilio fecit, fecit certe suo; quaecumque mens illa fuit, Gabinii fuit. Sive ille, ut ipse dicebat, gloriam, sive, ut tu vis, pecuniam quaesivit, quaesivit sibi. [Num Gabinii comes vel sectator? Negat. Non enim ad Gabinii, cujus id negotium non

lex de ea re ferretur,' and Halm prints it. Halm says that the MSS. have 'referretur.' 'De ea' is an idle addition, and certainly not the genuine hand of Cicero. The Basle edition, 1528, has 'ferretur.'

fraudi fuerit] 'If it shall prejudice him, if he shall be convicted.' Patricius thinks that 'ex Italia' may be a gloss. But how did it come into the text?

8. *impulisti*] Perhaps he did. See Cicero's letter Ad Q. Fr. ii. 2 about the 'creditores regis.'—'ex tantis:' see what he said of him in the De Prov. Cons. and in the In Pisonem.—'stante si me:' ed. Basl. 1528. The MSS. are said to have 'me stantem,' out of which Madvig has ingeniously made 'me si ante,' which Halm prints.

Archelai] Hervagius. The codd. have 'marchilei,' a blunder easily corrected. This Archelaus was the great priest of Comana in Pontus. His story is not very clear; but he went to Egypt after Ptolemaeus' expulsion and married Ptolemaeus' daughter Berenice, with whom he enjoyed the kingly state and title for a few months, till Auletes was restored by Gabinius in B.C. 55. Archelaus fell in battle against Gabinius.

perblandus] Hotmann wrote 'persuasor blandus,' following a MS., as he says. 'Puer blandus,' one of Muretus' MSS.

The ten thousand 'talenta' being sixty million 'drachmae' or 'denarii,' make up the amount of 'bis millies et quadringenties,' or 2400 hundred thousand 'sestertii.'

The rest of the chapter is printed as it generally stands in the editions. It is supposed that there is a 'lacuna' before 'num Gabinii.' The end of the sentence 'Romam contenderat' is not intelligible. Halm prints in his text 'quaesivit, sibi *quaesivit*. * * * non Gabinii comes vel sectator, nec ad Gabinii . . . non dubia Roma contenderet.'

erat, sed ad P. Lentuli clarissimi viri auctoritatem a senatu profectam, et consilio certo et spe non dubia, Romam contenderat.]

At dioecetes fuit regius.—Et quidem in custodia etiam fuit regia; et vita ejus ablata paene est. Multa praeterea, quae libido regis, quae necessitas coegit ferre, pertulit.—Quarum omnium rerum una reprehensio est, quod regnum intrarit, quod potestati se regis commiserit. Verum si quaerimus, stulte. Quid enim stultius quam equitem Romanum ex hac urbe, hujus, inquam, rei publicae civem, quae est una maxime et fuit semper libera, venire in eum locum, ubi parendum alteri et serviendum sit? IX. Sed ego in hoc tandem Postumo non ignoscam, homini mediocriter docto, in quo videam sapientissimos homines esse lapsos? Virum unum totius Graeciae facile doctissimum, Platonem, iniquitate Dionysii Siciliae tyranni, cui se ille commiserat, in maximis periculis insidiisque esse versatum accepimus: Callisthenem, doctum hominem, comitem Magni Alexandri, ab Alexandro necatum: Demetrium, et ex re publica [Athenis] quam optime digesserat, et ex doctrina nobilem et clarum, qui Phalereus vocitatus est, in eodem isto Aegyptio regno aspide ad corpus admota vita esse privatum. Plane confiteor fieri nihil posse dementius quam scientem in eum locum venire, ubi libertatem sis perditurus. Sed hujus ipsius facti stultitiam illa jam superior stultitia defendit, quae facit ut hoc stultissimum facinus, quod in regnum venerit, quod regi se commiserit, sapienter factum esse videatur; siquidem non tam semper stulti quam sero sapientis est, quum stultitia sua impeditus sit, quoquo modo possit se expedire. Quamobrem illud maneat et fixum sit, quod neque moveri neque mutari potest, in quo aequi sperasse Postumum dicunt, peccasse iniqui, ipse etiam insanisse se confitetur, quod suam, quod amicorum pecuniam regi

dioecetes] He collected money for the king, c. 10.

vita ejus ablata] 'vis vitae ejus allata,' Madvig, Halm. E. G. and 2 Oxx. have 'allata;' the rest have 'ablata.' The emendation, as it is called, is faulty in adding something to make 'allata' consistent. 'Et vita ei ablata,' Patricius.—'ex hac urbe:' these words smell of a 'glossema' to Patricius. His scent was sharp.

9. *in hoc tandem*] 'in hoc tantum,' Patricius, Halm.—'Dionysii:' the elder Dionysius, tyrant of Syracuse. Cicero alludes to the story of Plato being at Syracuse with the elder Dionysius. The real facts of Plato's visits to Sicily do not concern us here. Plato and the tyrant serve Cicero's present purpose. Callisthenes was put to death by Alexander, who hated him for his freedom of speech; but the specious pretext was an alleged conspiracy, the tyrant's last reason (Arrian, Anab. iv. cc. 10, 12, 14). Demetrius Phalereus was a disciple of Theophrastus. He was set over Athens by Cassander, after whose death he was compelled to fly to Egypt.

digesserat] 'gesserat,' Graevius, Halm. —'hujus ipsius:' Halm. The codd. have 'hujus istius,' but T. omits 'hujus.'—'illa jam:' Halm. The codd. have 'mali iam iam.'—'siquidem non:' the 'non' is not in the known codd. It was added by Hotmann perhaps from his 'codex manuscriptus.' It is wanted.

crediderit cum tanto fortunarum suarum periculo; hoc quidem semel suscepto atque contracto perpetienda illa fuerunt, ut se aliquando ad suos vindicaret. Itaque objicias licet quam voles saepe palliatum fuisse, aliqua habuisse non Romani hominis insignia; quoties eorum quippiam dices, toties unum dices atque illud, temere hunc pecuniam regi credidisse; suas fortunas atque famam libidini regiae commisisse. Fecerat temere, fateor: mutari factum jam nullo modo poterat; aut pallium sumendum Alexandriae, ut ei Romae togato esse liceret, aut omnes fortunae abjiciendae, si togam retinuisset. X. Deliciarum caussa et voluptatis, non modo cives Romanos, sed et nobiles adolescentes, et quosdam etiam senatores, summo loco natos, non in hortis aut suburbanis suis, sed Neapoli in celeberrimo oppido cum maeciapella saepe vidimus. Chlamydatum L. Sullam imperatorem, L. vero Scipionis, qui bellum in Asia gessit Antiochumque devicit, non solum cum chlamyde, sed etiam cum crepidis in Capitolio statuam videtis. Quorum impunitas fuit non modo a judicio, sed etiam a sermone. Facilius certe P. Rutilium Rufum necessitatis excusatio defendet, qui quum a Mithridate Mitylenis oppressus esset, crudelitatem regis in togatos vestitus mutatione vitavit. Ergo ille P. Rutilius, qui documentum fuit hominibus nostris virtutis, antiquitatis, prudentiae, consularis homo, soccos habuit et pallium, nec vero id homini tum quisquam, sed tempori assignandum putavit; Postumo crimen vestitus afferet is, in quo spes fuit posse sese aliquando ad fortunas suas pervenire? Nam ut ventum est Alexandriam, judices, haec una ratio a rege proposita Postumo est servandae pecuniae, si curationem et quasi dispensationem regiam suscepisset. Id

ad suos vindicaret] This is perhaps not Latin. 'Et suos' and 'ac suos' have been proposed.—'pallium .... togato:' 'if he had not adopted the Greek dress and pleased the king, he would never have got back safe to Rome.' 'Togatus,' a Roman.

10. *maeciapella*] The reading of the MSS. Hervagius has 'mitella,' a diminutive of 'mitra.' 'Mitella' is the common reading of the editions. Valerius Maximus (iii. 6, 3) tells a story of Sulla walking about Naples in a 'chlamys:' "L. quoque Sulla quum imperator esset chlamydato sibi et crepidato Neapoli ambulare deforme non duxit."—'crepidis:' Scipio's statue had the 'chlamys' and the Greek shoe (crepidis). The artist put him in a Greek costume, and Valerius gives the reason: "quo habitu videlicet quia aliquando usus erat, effigiem suam formatam poni voluit." For the same reason he might have been represented in a dressing-gown, and in a night-cap, if he ever wore one. Perhaps Valerius used this passage of Cicero about Sulla and Scipio, adding the usual literary embellishments.

Rufus] He was in exile at Mitylene when Mithridates planned the massacre of the Romans in Asia. (De Imp. Cn. Pompeii, Introd. Vol. ii.)—'Mitylenis:' generally in the MSS. The coins have Μυτιλήνη.—'antiquitatis:' the honest old character. Lambinus thought that 'sanctitatis' was a 'lectio planior et probabilior.' But 'antiquitas' in this sense is not uncommon.

dispensationem regiam] The management and collection of the king's revenues. By enclosing 'hoc enim . . . a rege' in brackets, and so excluding it from the text, as Patricius proposes, we get at least sense.

autem facere non poterat nisi dioecetes [hoc enim nomine utitur qui a rege] esset constitutus. Odiosum negotium Postumo videbatur, sed erat nulla omnino recusatio: molestum etiam nomen ipsum, sed res habebat nomen hoc apud illos, non hic imposuerat: oderat vestitum etiam illum, sed sine eo nec nomen illud poterat nec munus tueri. Ergo "aderat vis," ut ait poeta ille noster,

'quae summas frangit infirmatque opes.'

Moreretur, inquies: nam id sequitur. Fecisset certe, si sine maximo dedecore tam impeditis suis rebus potuisset [emori]. XI. Nolite igitur fortunam convertere in culpam, neque regis injuriam hujus crimen putare, nec consilium ex necessitate nec voluntatem ex vi interpretari, nisi forte eos etiam, qui in hostes aut in praedones inciderint, si aliter quippiam coacti faciant quam libere, vituperandos putes. Nemo nostrum ignorat, etiamsi experti non sumus, consuetudinem regiam. Regum autem sunt haec imperia: 'animadverte' et, 'dicto pare:' et, 'praeter rogitatum si quid:' et illae minae,

'Si te secundo lumine hic offendero,
moriere:'

quae non ut delectemur solum legere et spectare debemus, sed ut cavere etiam et effugere discamus.

At ex hoc ipso crimen exoritur. Ait enim, Gabinio quum pecuniam Postumus cogeret, [ex] decumis imperatorum pecuniam sibi coegisse. Non intelligo hoc quale sit; utrum accessionem decumae, ut nostri facere coactores solent centesima, an decessio-

Halm, following Madvig, has 'utitur qui ea regit—esset constitutus.'

poeta] We do not know who the poet is.—'impeditis:' ed. Junt.; 'impudentis.' codd. (Halm). Patricius thought that 'emori' was a gloss. Halm would expect 'mori.'

11. *quam libere*] Patricius thinks that these words are a gloss, and 'aliter' perhaps too. Halm, following Madvig and Mommsen, has 'ac liberi.'

Si te secundo] These words are from Ennius' translation of Euripides' Medea, v. 356:

εἴ σ' ἡ 'πιοῦσα λαμπὰς ὄψεται θεοῦ.

Cicero has this verse again, Ad Att. vii. 26, where he applies it to Caesar in B.C. 49.

Gabinio quum] 'quum' is not in the MSS. It is the addition of Lambinus.—'decumis imperatorum:' Lambinus proposes 'imperatis,' or we should understand 'imperatorum' thus, 'the tenths of the money that was imposed.' Madvig proposes 'decumas imperatarum pecuniarum.'

centesima] "*centima* codd. *centesima* ed. Basl." Halm, who writes 'in centesima,' which may be right. The 'coactores' are the collectors of the Publicani. They were paid or they paid themselves for the trouble of collecting by a one per cent. as we may suppose, in addition to the sum collected. We have evidence of this knavery being in fashion (comp. Verr. ii. 3, c. 49 and 50). The 'deductiones' are also mentioned (Verr. ii. 3, c. 78 and the note).—'ab his aestimata:' by the Judices. If Postumus added ten per cent., Gabinius got eleven thousand talents. If he took the ten per cent. from the ten thousand, Gabinius only got nine thousand. But he was charged with receiving ten thousand. Besides, such a large addition as one-tenth to the sum of

nem de summa fecerit; si accessionem, undecim millia talentum ad Gabinium pervenerunt. At non modo abs te decem millia objecta sunt, sed etiam ab his aestimata. Addo illud etiam: qui tandem convenit aut tam gravi onere tributorum ad tantam pecuniam cogendam mille talentum accessionem esse factam, aut in tanta mercede hominis, ut vis, avarissimi, mille talentum decessionem esse concessam? Neque enim fuit Gabinii remittere tantum de suo, nec regis imponere tantum pati suis.—At erunt testes, legati Alexandrini.—Ii nihil in Gabinium dixerunt: immo [ii] Gabinium laudaverunt. Ubi ergo ille mos, ubi consuetudo judiciorum, ubi exempla? Solet is dicere in eum qui pecuniam redegit, qui in illum, cujus nomine ea pecunia redigeretur, non dixerit? Age, si is qui non dixit solet, etiamne is solet qui laudavit? iisdem testibus et quidem non productis, sed dictis testium recitatis, quasi praejudicata res ad has caussas deferri solet. XII. Et ait etiam meus familiaris et necessarius eandem caussam Alexandrinis fuisse cur laudarent Gabinium, quae mihi fuerit cur eundem defenderem. Mihi, C. Memmi, caussa defendendi Gabinii fuit reconciliatio gratiae; neque me vero poenitet mortales inimicitias, sempiternas amicitias habere. Nam si me invitum putas, ne Cn. Pompeii animum offenderem, defendisse [caussam], et illum et me vehementer ignoras. Neque enim me Pompeius sua caussa quidquam facere voluisset invitum, neque ego, cui omnium civium libertas carissima fuisset, meam projecissem. Quamdiu inimicissimus Gabinio fui, non amicissimus mihi non

ten thousand is not probable; nor is it likely that so greedy a fellow, as Gabinius was in the prosecutor's opinion, would allow one tenth of his booty to be taken from him.

qui tandem convenit] 'how is it consistent?'—'hominis, ut vis, avarissimi:' 'as you call him.' Gabinius is meant.—"Emendo ex meo codice quem saepe commemoro *imponere tanto plus suis*" (Hotmann); which is printed in some editions. Klotz says, "This reading of Hotmann's MS. is so correct, and so appropriately supported by Hotmann himself by the parallel passage of the Verrine orations (ii. 3, c. 97), that we have good reason for being surprised that it should have been so long overlooked, when placed in contrast with the faulty reading 'nec regis imponere tantum pati suis.'" See Halm's remarks on this MS. of Hotmann in the Introduction to this oration.

At erunt testes] Madvig, Halm: 'aderunt' C. 'aderant' G.—'Solet is dicere:' 'is' refers to 'qui . . . non dixerit.' Patricius explains this passage correctly, but not simply enough. The argument is this: 'Is it usual for the man, who has not spoken against him in whose name or on whose account the money was collected, to speak against the man who collected it? Well, if the man who has not spoken against the principal, is accustomed to speak against the agent, is he also in the habit of doing so who has spoken in terms of approbation of the principal? By means of the same witnesses, and indeed without producing them, but merely reading their evidence, it is the practice for the matter which has been in a manner prejudged (in the first trial) to be applied to these cases, such as you are now sitting on.'

12. *meus familiaris*] C. Memmius, whom he addresses. Memmius meant the influence of Pompeius.—'cur eundem:' codd.; 'cur eum' Halm.

Quamdiu . . . non Pompeius] codd. 'Nec, quamdiu . . non amicissimus mihi

Pompeius fuit; nec posteaquam illius auctoritati eam dedi veniam quam debui, quidquam simulate, ne cum mea perfidia illi etiam ipsi facerem cui beneficium dedissem injuriam. Nam non redeundo in gratiam cum inimico non violabam Pompeium: si per eum reductus insidiose redissem, me scilicet maxime, sed proxime illum quoque fefellissem. At de me omittamus; ad Alexandrinos istos revertamur. Quod habent os! quam audaciam! Modo vobis inspectantibus in judicio Gabinii tertio quoque verbo excitabantur: negabant pecuniam Gabinio datam. Recitabatur identidem Pompeii testimonium, regem ad se scripsisse nullam pecuniam Gabinio nisi in rem militarem datam. Non est, inquit, tum Alexandrinis testibus creditum.—Quid postea?—Creditur nunc—Quamobrem?—Quia nunc aiunt quod tunc negabant. Quid ergo ista conditio est testium, ut quibus creditum non sit negantibus, iisdem credatur dicentibus? At si verum tum cum verissima fronte dixerunt, nunc mentiuntur. Si tunc mentiti sunt, doceant nos verum quo vultu soleant dicere. Audiebamus Alexandriam: nunc cognoscimus. Illinc omnes praestigiae: illinc, inquam, omnes fallaciae; omnia denique ab his mimorum argumenta nata sunt. Nec mihi longius quidquam est, judices, quam videre hominum vultus. XIII. Dixerunt hic modo nobiscum ad haec subsellia, quibus superciliis renuentes huic decem millium crimini! Jam nostis insulsitatem Graecorum: humeris gestum agebant tum temporis, credo, caussa: nunc scilicet tempus nullum est. Ubi semel quis pejeraverit, ei credi postea, etiamsi per plures deos juret, non oportet, praesertim, judices, quum in his judiciis ne locus quidem novo testi soleat esse, ob eamque caussam iidem judices retineantur qui fuerint de reo, ut his nota sint omnia neque quid fingi novi possit.

Pompeius fuit,' Madvig, Halm.—'simulate:' Halm adds 'egi.' The common editions have 'simulavi.' The codd. have 'simulate.'

me scilicet maxime] Abrami quotes Seneca, Ep. 81: "Minimum ex nequitia levissimumque in alios redundat: quod pessimum ex illa est, et ut ita dicam spississimum domi remanet et premit habentem, quemadmodum Attalus noster dicere solebat: malitia maximam partem sui veneni habet."

excitabantur] 'were called as witnesses.'

dicentibus] '*aientibus* vir doctus nescio quis: *dicentibus* codd.' (Halm), who follows the 'vir doctus.'—'At si verum' &c.: 'At si verum tunc severissima fronte,' Madvig, Halm.—'doceant nos . . . dicere:' Halm, following Madvig, whose reading is very near the corrupt form of the MSS., and a very probable restoration.

Nec mihi longius] 'There is nothing that I wish more.' A passage in the Verrine orations explains this: "Nihil ei longius videbatur quam dum illud videret argentum." See Tuscul. iv. 21.

13. *humeris gestum*] 'Gestum agere' is an expression which Cicero uses. It means to use gesture or action (Pro Roscio Com. c. 8, and the note). These Greeks shrugged up their shoulders for the occasion: they had nothing to say against Gabinius in the matter of bribery.—'novo testi:' in these inquiries such as the present, no new evidence is received, as he says.

* * QUO EA PECUNIA PERVENERIT, non suis propriis judiciis, sed in reum facti condemnari solent. Itaque si aut praedes dedisset Gabinius, aut tantum ex ejus bonis quanta summa litium fuisset populus recepisset, quamvis magna ad Postumum ab eo pecunia pervenisset, non redigeretur; ut intelligi facile possit, quod ex ea pecunia, quam ceperit is qui damnatus est, pervenisse ad aliquem illo primo judicio planum factum sit, id hoc genere judicii redigi solere. Nunc vero quid agitur, ubi terrarum sumus, quid tam perversum praeposterumve dici aut excogitari potest? Accusatur is qui non abstulit a rege, sicut Gabinius judicatus est, sed qui maximam regi pecuniam credidit. Ergo is Gabinio dedit, qui non huic reddidit. Jam cedo, quum is, qui pecuniam Postumo debuit, non huic sed Gabinio dederit, condemnato Gabinio, utrum illa quo ea pecunia sit an nunc de ea? XIV. At habet et celat; sunt enim qui ita loquantur. Quod genus tandem est istud ostentationis et gloriae? Si nihil habuisset umquam, tamen, si quaesisset, cur dissimularet [habere] caussa non esset. Qui vero duo lauta et copiosa patrimonia accepisset, remque praeterea bonis et honestis rationibus auxisset, quid esset tandem caussae cur existimari vellet nihil habere? An quum credebat inductus usuris, id agebat ut haberet quam plurimum; posteaquam exegit quod crediderat, ut existimaretur egere? Novum genus hoc gloriae concupiscit.—Dominatus est enim, inquit, Alexandriae.—Immo vero in superbissimo dominatu fuit: pertulit ipse custodiam, vidit in vinculis familiares suos, mors ob oculos saepe versata est, nudus atque egens ad extremum fugit e regno.—At permutata aliquando pecunia

QUO . . . *solent*] The sentence is corrupt. Mommsen proposes to omit 'facti,' and to read 'in rem' in place of 'in reum.' The meaning of what Cicero intends to say is this: 'In matters to which the clause of the Lex Quo &c. applies, it is not the practice for him to whom the rule applies to be tried and condemned on a trial of his own.' The next sentence explains it. The following words, 'pecunia quam ceperit is qui damnatus est pervenisse ad aliquem in illo,' are the reading of Cujacius, quoted by Halm. I do not know on what authority the great jurisconsult wrote this, but perhaps he had some authority. Madvig's emendation adopted by Halm is nearer to the MSS.; but the meaning is the same: 'ex ea pecunia, qua reorum quis damnatus sit, pervenisse ad aliquem in illo.'—'tam praeposterum dici:' Halm.

non huic] codd.; 'huic non' Lambinus, and Halm, who thinks that the order in the text is corrupt, and corrupted through what follows.

illa quo . . . de ea] This is corrupt.

14. *si quaesisset*] Patricius suggested 'si acquisisset.'—'Dominatus est enim:' compare "Adimo enim," Verr. ii. 1, c. 9, and the note; also Pro Rosc. Com. c. 9, "Pactionem enim;" Pro Caecina, c. 7, "Usus enim."

aliquando] 'codd. noti' (Halm). Hotmann says that his MS. has 'aliunde,' which is the common reading in the printed books. The text is obscure. The accusator is supposed to say this: 'He got money sometime' in exchange for commodities which he brought from Egypt, or which had been brought to Puteoli and were assigned to Rabirius in payment of his demand. Papyrus, linen, glass, and various other articles were imported from Egypt. The vessels from Alexandria used to come to Pu-

est: ductae naves Postumi Puteolis sunt, auditae visaeque merces. Fallaces quidem et fucosae chartis et linteis et vitro delatae; quibus quum multae naves refertae fuissent, una non patuerit parva. * * * Puteolanus sermo illius temporis vectorumque cursus atque ostentatio, tum subinvisum apud malevolos Postumi nomen propter opinionem pecuniae nescio quam aestatem unam non plures aures refersit istis sermonibus.

XV. Verum autem, judices, si scire vultis, nisi C. Caesaris summa in omnes, incredibilis in hunc eadem liberalitas exstitisset, nos hunc [Postumum] jam pridem in foro non haberemus. Ille onera multorum hujus amicorum excepit unus; quaeque multi homines necessarii secundis Postumi rebus descripta sustinuerunt, nunc ejus afflictis fortunis universa sustinet. Umbram equitis Romani et imaginem videtis, judices, unius amici conservatam auxilio et fide. Nihil huic eripi potest praeter hoc simulacrum pristinae dignitatis, quod C. Caesar solus tuetur et sustinet; quae quidem in miserrimis rebus huic tamen tribuenda est maxima. Nisi vero hoc mediocri virtute effici potest, ut tantus ille vir tanti ducat hunc afflictum praesertim et absentem, et in tanta fortuna sua, ut aliena

teoli (In Vat. c. 5, and the note). Klotz thinks that the ablative 'Puteolis' is right, and that 'Puteolos' would not do, because the ships called at Puteoli, or passed Puteoli to go to Rome. But some ships might go on to Ostia and some did stay at Puteoli, which was a place of great trade with Egypt (Acts Ap. c. 28; Sueton. Aug. c. 98, and Casaubon's note.) Strabo (xvii.) speaks of Puteoli, which he calls Dicaearchia, and Alexandria, as the corresponding ports of Italy and Egypt, and he means that vessels sailed between these two places. I reject Klotz's explanation of 'Puteolis.'—'ductae:' Madvig conjectures 'subductae.'

Fallaces] 'Deceitful wares and false, of papyrus and linen cloth and glass brought in there.' According to this pointing Cicero makes the remark 'Fallaces,' &c. What follows is corrupt, like a great deal in this and in the preceding chapter. Halm has 'una non potuerit parva. Cataplus ille Puteolanus.' The Alexandrine fleet which came to Puteoli was called Cataplus, as in Martial (xii. 75, quoted by Casaubon),

"Quum tibi Niliacus portet crystalla cataplus."

The labours of the critics at restoration are not worth notice. They may be ingenious and show acuteness and learning; but we do not read Cicero in order to admire his commentators' ingenuity. Klotz explains all this passage in his way.

15. *eadem*] codd. Patricius proposes 'eundem,' Halm prefers 'ejusdem.' He also writes 'nos hunc,' omitting 'Postumum;' and remarks that Cicero calls him either 'hunc' or 'Postumum,' not both. 'Summa in omnes' is the same as 'quae summa est in omnes.'—'in foro:' he would have lost his equestrian rank. He could not have appeared in public.

descripta] This word is opposed to 'universa,' and it must mean 'severally,' or 'in separate parts.' What Postumus' friends severally did for him in his prosperity, Caesar alone did for him in his adversity. We do not know why C. Caesar was so much interested in supporting Rabirius; but we know that he wrote to Pompeius to urge him to do what he could for Gabinius in his troubles, but in spite of Caesar's interest and Pompeius' exertions Gabinius was convicted (Dion 39, c. 63). For 'homines' S. U. have 'hominis,' that is, Postumus.—'C. Caesar:' Halm added C.—'quae quidem:' 'quae' refers to 'dignitatis,' which means 'merit.'

aliena] 'alienam,' Patricius, Halm.—'et tanta occupatione:' Halm added 'et.' 'Occupatione' is an emendation of somebody, and a true one. The MSS. reading is 'oppugnatione.' The last words of the

respicere magnum sit, [et] tanta occupatione maximarum rerum, quas gerit atque gessit, ut [vel] oblivisci aliorum non sit mirum; [vel, si meminerit, oblitum etiam facile possit probare.] Multas equidem C. Caesaris virtutes magnas incredibilesque cognovi, sed sunt ceterae majoribus quasi theatris propositae et paene populares. Castris locum capere, exercitum instruere, expugnare urbes, aciem hostium profligare; hanc vim frigorum hiememque quam nos vix hujus urbis tectis sustinemus excipere, his ipsis diebus hostem persequi, tum quum etiam ferae latibulis se tegant atque omnia bella jure gentium conquiescant: sunt ea quidem magna, quis negat? sed magnis excitata sunt praemiis ad memoriam hominum sempiternam. Quo minus admirandum est eum facere illa, qui immortalitatem concupiverit. XVI. Haec mira laus est, quae non poetarum carminibus, non annalium monumentis celebratur, sed prudentium judicio expenditur: equitem Romanum, veterem amicum suum, studiosum, amantem, observantem sui, non libidine, non turpibus impensis cupiditatum atque jacturis, sed experientia patrimonii amplificandi labentem excepit, corruere non sivit, fulsit et

sentence, which are included in [ ] are supposed by Weiske to be the addition of some 'homo ineptus.' These 'inepti' have doubtless stuffed a good deal of their own into Cicero's text.

This sentence is not easy. The 'mediocris virtus' is the merit of Postumus: 'Unless indeed it is possible for this to be the result of a small degree of merit, that so great a man should value this defendant so highly, especially when he is both unfortunate and a long way from him, and when his own fortune is so exalted that to have regard to another man's condition is a great thing, and when he is so busily employed about the most important matters that to forget others would be nothing strange.' The difficulty is 'et in tanta fortuna sua, ut aliena . . . non sit mirum.' The 'ut aliena respicere magnum sit' depends on 'in tanta fortuna,' and the difficulty is to find a proper expression for 'in tanta fortuna sua.' The first part of the sentence ends at 'et absentem.' 'Et in tanta fortuna sua' means 'when his own condition is so exalted that it is a great thing for him to have regard to other people's.' The other part of the sentence is explained the same way.

Castris locum capere] Cicero uses these words to signify the selection of a place for encampment, like his friend Caesar, B. G. iii. 23, "loca capere, castra munire."—'hanc vim frigorum:' Cicero is speaking in the winter-time. Patricius proposes to read 'hiemum,' and Halm accepts it. Halm also writes 'iis ipsis:' the MSS. have 'his,' plainly the true reading.

In the winter of B.C. 54 Caesar was fully employed. His Legati Sabinus and Cotta with their troops were slaughtered in the country of the Eburones, and Cicero's brother Quintus was besieged in his camp in the country of the Nervii. Caesar hurried to the relief of Quintus and defeated the enemy (B. G. v. 26—52). Cicero, writing to his brother in Belgium during the winter, says: "Tu velim cures ut sciam quibus nos dare oporteat eas quas ad te deinde literas mittemus, Caesarisne tabellariis ut is ad te protinus mittat, an Labieni; ubi enim sunt isti Nervii et quam longe absint nescio" (Ad Q. Fr. iii. 8). Labienus was on the borders of the Treviri. Caesar was probably at Samarobriva (Amiens) when he heard of Q. Cicero being blockaded in the country of the Nervii. Cicero had certainly received a letter from Quintus, in which he had been informed that Caesar had placed Quintus for the winter in the country of the Nervii (B. G. v. 24). It was the usual practice in war to be quiet in winter. This is what he means by 'jure gentium.'

sempiternam] The codd. are said to have 'sempiterna.' Halm, following Madvig, writes 'sed magnis excitantur praemiis ac memoria hominum sempit[illegible]'

16. *experientia*] 'while he is [illegible]g to improve what his father left him.'—'pru-

sustinuit, re, [fortuna,] fide, hodieque sustinet; nec amicum prudentem corruere patitur, nec illius animi aciem praestringit splendor sui nominis, nec mentis quasi luminibus officit altitudo fortunae et gloriae. Sint sane illa magna, quae re vera magna sunt: de judicio animi mei ut volet quisque sentiat; ego enim hanc in tantis opibus, tanta fortuna, liberalitatem in suos, memoriam amicitiae reliquis virtutibus omnibus antepono. Quam quidem vos, judices, ejus in novo genere bonitatem, inusitatam claris ac praepotentibus viris, non modo non aspernari ac refutare, sed complecti etiam et augere debetis, et eo magis quod videtis hos quasi sumptos dies ad labefactandum illius dignitatem, ex qua illi nihil detrahi potest, quod non aut fortiter ferat aut facile restituat. Amicissimum hominem si honestate spoliatum audierit, nec sine magno dolore feret, nec id amiserit quod posse speret recuperari.

XVII. Satis multa hominibus non iniquis haec esse debent, nimis etiam multa vobis, quos aequissimos esse confidimus. Sed ut omnium vel suspicioni vel malevolentiae vel crudelitati satis fiat, "occultat pecuniam Postumus, latent regiae divitiae." Ecquis est ex tanto populo qui bona C. Rabirii Postumi nummo sestertio sibi addici velit? Sed, miserum me! quanto hoc dixi cum dolore! Hem, Postume, tune es C. Curti filius, C. Rabirii judicio et voluntate filius, natura sororis filius? Tune ille in omnes tuos liberalis,

dentem:' codd. Perhaps we should read 'imprudentem,' one of Halm's suggestions.

illius animi] 'Illius' is Caesar: 'The splendour of his own name does not dazzle Caesar's visual power, nor does the elevation of his fortune and his glory intercept the view, if I may so express it, from the windows of his mind.' He does right to apologize for the expression by 'quasi.' The metaphor is legal, and derived from the rules of law about not obstructing or damaging a neighbour's lights. See De Harusp. Resp. c. 15, and the note. He has the metaphor again in the Brutus, c. 17: "sic Catonis luminibus obstruxit haec posteriorum quasi exaggerata altius oratio."

refutare] 'To throw back,' 'reject' (Index).—'quasi sumptos:' the time of Rabirius' trial seemed to be purposely selected to damage Caesar's character or reputation. —'posse speret:' the reading of G. The other MSS. have 'posse non speret;' which would spoil the sense.

17. "*occultat . . . divitiae*"] The supposed objection of the prosecutor, or of the enemies of Rabirius.—'addici:' knocked down to him at auction. Cicero is playing the 'praeco,' or crier. See Vol. iii. Index. Pro P. Quintio, c. 15, and the note.

Curti] codd. See c. 2.—'condemnetur a vobis:' these words are omitted by Halm on the advice of Madvig, as being inserted by somebody who was very far from the meaning. It certainly seems inconsistent to say that Rabirius wishes to be condemned. A difficulty has also been raised about the sale. Cicero speaks as if the creditors might be paid if there was a sale, and this implies that there was property. It is suggested that after a sale and payment there would be nothing left, and, of course, if a man bought Rabirius' property with the charge of debts, it would be worth no more than a 'sestertius.' We are imperfectly acquainted with the law under which Rabirius fell. It is easy to see that there is a difficulty here, and nothing is easier than to strike out the words which cause the difficulty. But that is a feeble kind of criticism under the guise of boldness. After all, as the text stands, Rabirius is supposed to wish to discharge his obligations by the sale of his property (nihil jam aliud nisi fidem curat); which was a great calamity itself, as we learn from the oration Pro P. Quintio. (Vol. ii.)

cujus multos bonitas locupletavit, qui nihil profudisti, nihil ullam in libidinem contulisti? Tua, Postume, nummo sestertio a me addicuntur? O meum miserum acerbumque praeconium! At hoc etiam optat miser ut condemnetur a vobis, ita bona veneant ut solidum suum cuique solvatur. Nihil jam aliud nisi fidem curat: nec vos huic, si jam oblivisci vestrae mansuetudinis volueritis, quidquam praeterea potestis eripere. Quod, judices, ne faciatis oro obtestorque vos, atque eo magis, si adventitia pecunia petitur ab eo cui sua non redditur; nam in eum, cui misericordia opitulari debebat, invidia quaesita est. Sed jam, quoniam spero fidem quam praestiti, Postume, reddam etiam lacrimas quas debeo, quas quidem ego tuas in meo casu plurimas vidi. Versatur ante oculos luctuosa nox meis omnibus, quum tu totum te cum tuis copiis ad me detulisti. Tu comitibus, tu praesidio, tu etiam tanto pondere auri, quantum tempus illud postulabat, discessum illum sustentasti: tu numquam meis me absente liberis, numquam conjugi meae defuisti. Possum excitare multos [reductos] testes liberalitatis tuae, quod saepe audivi patri tuo cui id magno adjumento fuisset in judicio capitis fuisse. Sed jam omnia timeo: bonitatis ipsius invidiam reformido; jam indicat tot hominum fletus quam sis carus tuis, et me dolor debilitat includitque vocem. Vos obsecro, judices, ut huic optimo viro, quo nemo melior umquam fuit, nomen equitis Romani et usuram hujus lucis et vestrum conspectum ne eripiatis. Hic vos aliud nihil orat nisi ut rectis oculis hanc urbem sibi intueri atque ut in hoc foro vestigium facere liceat; quod ipsum fortuna eripuerat, nisi unius amici opes subvenissent.

adventitia] Such money as is supposed to have come to his hands, and such as he is liable to refund, if he has got it.—'quoniam . . . praestiti:' codd. Something has been lost. There is no doubt about the meaning. Different attempts have been made to patch up the passage.

[*reductos*]] 'codd. et edd.' (Halm.) The simplest cure is to strike it out, as Madvig does; the simplest cure of all, if the text is intelligible after the erasure.—'cui id . . . fuisse:' codd. The cure is the change of 'cui id' into Curtio and the omission of 'fuisset,' which operation is performed by Madvig, with Halm's approval.—'jam indicat:' 'nam indicat,' Halm's correction; he has also 'intercludit,' Lambinus' correction of 'includit,' and the correction may be right.

usuram hujus lucis] The enjoyment of the light of the sun, and at Rome. So he says Pro Quintio, c. 23, "verum etiam communi luce privaret."—'rectis oculis:' "ut aspicere sibi hanc urbem praesenti non respicere liceat absenti" (Manutius), whose explanation is approved by Patricius. But I think that a simpler thing is meant, 'with a steady and open countenance,' like a man who has nothing to be ashamed of.—'rectis oculis' and 'recto vultu' (Juv. x. 189), and 'recta facie' (Juv. vi. 401), are easily understood by looking to the context.

PRO T. ANNIO MILONE

ORATIO.

INTRODUCTION.

T. Annius Milo Papianus, the son of C. Papius Celsus and his wife Annia, was adopted by his maternal grandfather, T. Annius Luscus. It is not known in what year he was Quaestor. He was Tribunus plebis in B.C. 57, the year of Cicero's return from exile, and he exerted himself in favour of Cicero's restoration. In B.C. 55 Milo married Fausta, the daughter of the dictator L. Sulla, who is said to have had an intrigue with C. Sallustius, the historian and preacher of morality.

From the time when Milo became a partizan of Cicero there was a deadly feud between him and P. Clodius, Cicero's great enemy. The reason of Milo's attaching himself to Cn. Pompeius, and aiding him in the restoration of Cicero, seems to have been merely a matter of personal interest. He was in debt, and wished to get the consulship and a province, which in those days was the readiest way to repair a ruined fortune. Milo resisted Clodius' violence by violence. Both of them surrounded themselves with armed men, and Rome was filled with their bloody brawls.

Clodius was elected Aedile for the year B.C. 56. In B.C. 53 Milo was a candidate for the consulship and Clodius for the praetorship. In January B.C. 52 these two disturbers of the public peace met near Bovillae, each attended by a band of armed men. The meeting was probably accidental. A quarrel ensued, and Clodius was killed. The circumstances are told by Cicero, and no doubt in the way most favourable to Milo, for Cicero's answer to the charge against Milo is that he acted in self-defence.

The Introduction of Asconius states all the facts which are necessary to enable a reader to understand this oration.

The domestic history of Rome from Cicero's return to the death of

P. Clodius consists in a great degree of the quarrels of P. Clodius and Milo. In B.C. 57 Milo gave notice that he should prosecute Clodius for having driven away the workmen who were working at Cicero's house, for throwing stones and firebrands against Q. Cicero's house, and for attacking Milo's house. The prosecution however was never commenced, owing to the activity of Clodius' friends in the senate. Clodius repaid Milo in the beginning of B.C. 56 by giving notice that he should prosecute him De vi, and for the very acts which Milo alleged that he had done in self defence. Milo was also charged with keeping armed men in his service. The accûser and the accused appeared in court accompanied by armed men, and a fight took place, in which Clodius' men were beaten. This stopped further proceedings.

In B.C. 52 Milo was again charged under the Lex Pompeia De vi; and this time for the murder of his old enemy. The trial differed from the usual form of procedure in the witnesses being examined first. After the examination of the witnesses, the prosecutor, App. Claudius, spoke, and his two subscriptores, M. Antonius and P. Valerius Nepos. Cicero spoke in defence of Milo, who was convicted and went into exile. The passage of Asconius in which he speaks of the result of the trial is printed at the end of the oration.

This oration is edited by Baiter in the second edition of Cicero's orations. The following are the MSS. to which he refers:

P = Palimpsestus Taurinensis apud Peyronum.

T = cod. olim Tegernseensis, nunc Monacensis (Cod. Lat. 18787), a me collatus.

E = cod. olim Erfurtensis, nunc Berolinensis, e quo Freundius hanc orationem lithographico opere describendam curavit Vratislaviae, 1838.

S = cod. quondam Salisburgensis, nunc Monacensis Lat. num. 15734, cujus selectas lectiones mihi exscripsit Halmius.

C = cod. Basilicanae Coloniensis.

H = cod. Hittorpianus.

W = cod. Werdensis.

A = Asconius Pedianus.

B = Scholiasta Bobiensis apud Ang. Maium Classicorum Auctorum e Vaticanis codicibus editorum T. ii. p. 87.

There is an edition of this oration by C. Halm, 1853, in the Sammlung Griechischer und Lateinischer Schriftsteller, &c., which I have used.

M. TULLII CICERONIS

PRO

T. ANNIO MILONE ORATIO

AD JUDICES.

Q. ASCONIUS PEDIANUS IN M. TULLII CICERONIS ORATIONEM PRO MILONE.

HANC dixit Cn. Pompeio III. consule a. d. VI. Idus April. Quod judicium quum ageretur, exercitum in foro et omnibus in templis, quae circum forum sunt, collocatum a Cn. Pompeio fuisse, non tantum ex hac oratione et annalibus, sed etiam ex libro apparet, qui Ciceronis nomine inscribitur De optimo genere oratorum.

ARGUMENTUM.

T. Annius Milo et P. Plautius Hypsaeus et Q. Metellus Scipio consulatum petierunt non solum largitione palam profusa, sed etiam factionibus armatorum succincti. Miloni et Clodio summae erant inimicitiae, quod et Milo Ciceronis erat amicissimus in reducendoque eo enixe operam rei publicae dederat, et P. Clodius restituto Ciceroni erat infestissimus, ideoque summe studebat Hypsaeo et Scipioni contra Milonem. Ac saepe inter se Milo et Clodius cum suis factionibus Romae depugnaverant, et erant uterque audacia pares, sed Milo pro melioribus partibus stabat. Praeterea in eundem annum consulatum Milo, Clodius praeturam petebat, quam debilem futuram consule Milone intelligebat.

De optimo genere] "Sed si eodem modo putant, exercitu in foro et in omnibus templis quae circum forum sunt collocato, dici pro Milone decuisse," &c., De Opt. gen. orat. c. 4.

Deinde quum diu tracta essent comitia consularia, perficique ob eas ipsas perditas candidatorum contentiones non possent, et ob id mense Januario nulli dum neque consules neque praetores essent, trahereturque dies eodem quo antea modo, dum Milo quam primum comitia confici vellet, conficeretque quum bonorum studiis, quod obsistebat Clodio, tum etiam populi propter effusas largitiones impensasque ludorum scenicorum ac gladiatorii muneris maximas, in quas tria patrimonia effudisse eum Cicero significat, competitores ejus trahere vellent, ideoque Pompeius gener Scipionis et T. Munatius tribunus plebis referri ad senatum de patriciis convocandis qui interregem proderent non essent passi, quum interregem prodere moris esset: a. d. XIII. Kal. Febr. (acta etenim magis sequenda et ipsam orationem quae actis congruit puto quam Fenestellam, qui a. d. XIV. Kal. Febr. tradit) Milo Lanuvium, ex quo erat municipio et ibi tum dictator, profectus est ad flaminem prodendum postera die. Occurrit ei circa horam nonam Clodius paullo ultra Bovillas, rediens ab Aricia prope eum locum in quo Bonae Deae sacellum est: erat autem allocutus decuriones Aricinorum. Vehebatur Clodius equo. Servi XXX fere expediti, ut illo tempore mos erat iter facientibus, gladiis cincti sequebantur. Erant cum Clodio praeterea tres comites ejus, ex quibus eques Romanus unus, C. Cassinius Schola, duo de plebe novi homines, P. Pomponius, C. Clodius. Milo rheda vehebatur cum uxore Fausta, filia L. Sullae dictatoris, et M. Fufio familiari suo. Sequebatur eos magnum servorum agmen, inter quos gladiatores quoque erant, ex quibus duo noti, Eudamus et Birria. Hi in ultimo agmine tardius euntes cum servis P. Clodii rixam commiserunt. Ad quem tumultum quum respexisset Clodius minitabundus, humerum ejus Birria romphaea trajecit. Inde quum orta

neque praetores] This might have been inferred, if it had not been said, since the consular elections were before the praetorian. —'dum Milo:' Orelli, who has 'dum,' says he would prefer 'cum' (quum), which Halm has.—'conficeretque:' 'and was already on the way to get the comitia held' (Halm).

patrimonia] This is an old conjecture. The reading is 'praedia,' which may be the true reading here, though Cicero (c. 35) says 'patrimonia.'—'competitores ejus:' this clause corresponds to 'dum' or 'quum Milo . . . vellet.'—'Pompeius:' Cn., whose last wife was Cornelia, the widow of P. Crassus, and the daughter of Q. Metellus Scipio, one of the candidates for the consulship (Plutarch, Pomp. c. 55).

patriciis convocandis] An Interrex was elected from the Patricii only, and by them after the senate had made a 'consultum,' by virtue of which the Patricii were convoked. (De Domo, c. 14.) Halm, following another opinion, says that 'Patriciis' here means not 'Patricians generally, but the senators of patrician family;' an interpretation not supported by any authority or any reason.

acta] Perhaps he means the 'acta diurna.' Fenestella wrote under Augustus. See Vol. iii. Index.

dictator] See c. 10.—'horam nonam:' see c. 10.—'allocutus:' he had been making an address or 'allocutio' to the 'decuriones' or senate of Aricia.

esset pugna, plures Miloniani accurrerunt. Clodius vulneratus in tabernam proximam in Bovillano delatus est. Milo ut cognovit vulneratum Clodium, quum sibi periculosius illud etiam vivo eo futurum intelligeret, occiso autem magnum solatium esset habiturus, etiam si subeunda esset poena, exturbari taberna jussit. Fuit antesignanus servorum ejus M. Fustenus. Atque ita Clodius latens extractus est multisque vulneribus confectus. Cadaver ejus in via relictum, quia servi Clodii aut occisi erant aut graviter saucii latebant, Sex. Tedius senator, qui forte ex rure in urbem revertebatur, sustulit et lectica sua Romam ferri jussit; ipse rursus eodem unde erat egressus se recepit. Perlatum est corpus Clodii ante primam noctis horam, infimaeque plebis et servorum maxima multitudo magno luctu corpus in atrio domus positum circumstetit. Augebat autem facti invidiam uxor Clodii Fulvia, quae cum effusa lamentatione vulnera ejus ostendebat. Major postera die luce prima multitudo ejusdem generis confluxit, compluresque noti homines elisi sunt, inter quos C. Vibienus senator. Erat domus Clodii ante paucos menses empta de M. Scauro in Palatio. Eodem T. Munatius Plancus frater L. Planci oratoris, et Q. Pompeius Rufus Sullae dictatoris ex filia nepos, tribuni pl. accurrerunt, eisque hortantibus vulgus imperitum corpus nudum ac calciatum, sic ut in lecto erat positum, ut vulnera videri possent in forum detulit et in rostris posuit. Ibi pro contione Plancus et Pompeius, qui competitoribus Milonis studebant, invidiam Miloni fecerunt. Populus duce Sex. Clodio scriba corpus P. Clodii in curiam intulit, cremavitque subselliis et tribunalibus et mensis et codicibus librariorum, quo igne et ipsa quoque curia flagravit, et item Porcia basilica quae erat ei juncta ambusta est. Domus quoque M. Lepidi interregis, is enim magistratus curulis erat creatus,

in Bovillano] 'In' was added by Madvig; who also changed 'tabernam' into 'taberna.'—'M. Fustenus:' this name seems to be corrupt, for Asconius says in his last note on this oration, "M. Saufeius qui dux fuerat in expugnanda taberna Bovillis."—'Tedius:' probably a corrupt form of 'Tadius' (Halm).

elisi] 'crushed' in the crowd.—'calciatum:' the corrupt text seems to be 'caldatum.' Orelli suggested 'calcatum,' but it should be 'conculcatum.' Halm has 'lutatum.' Compare c. 32, "oblitus cruore et luto."

tribunalibus] There were probably several 'tribunalia,' or courts in the Forum (In Vatin. c. 9), and of wood, or they could not have been used as combustibles. The 'librarii' had their book-stalls in the Forum; and the mob took the books to burn the body of Clodius with.

"Nulla taberna meos habeat nec pila libellos." (Horace, Sat. i. 4, v. 71.)

The Porcia Basilica, built by M. Porcius Cato, the censor, was burnt in this disturbance. Becker (Römisch. Alt.) says that it is doubtful if it was then restored; at least, he says, we find no mention of it afterwards. Halm observes that Mommsen has proved that it still existed at a later time (De Comitio Romano, Romae, 1845).

M. Lepidi] An Interrex had been elected at last. See c. 5.—'Libitinae:' the

et absentis Milonis eadem illa Clodiana multitudo oppugnavit, deinde sagittis repulsa est. Tum fasces ex lecto Libitinae raptos attulit ad domum Scipionis et Hypsaei, deinde ad hortos Cn. Pompeii, clamitans eum modo consulem, modo dictatorem.

Incendium curiae majorem aliquanto indignationem civitatis moverat quam interfectio Clodii. Itaque Milo, quem opinio fuerat ivisse in voluntarium exsilium, invidia adversariorum recreatus nocte ea redierat Romam qua incensa erat curia, petebatque nihilo deterius consulatum; aperte quoque tributim in singulos millia assium dederat. Contionem [etiam] ei post aliquot dies dedit M. Caelius tribunus pl. atque ipse etiam caussam egit ad populum. Dicebant uterque Miloni a Clodio factas esse insidias.

Fiebant interea alii ex aliis interreges, qui comitia consularia propter eorum candidatorum tumultus et easdem manus armatas habere non poterant. Itaque primo factum erat S. C., ut interrex et tribuni plebis et Cn. Pompeius, qui pro consule ad urbem erat, viderent Ne quid detrimenti res publica caperet, dilectus autem Pompeius tota Italia haberet. Qui quum summa celeritate praesidium comparasset, postulaverunt apud eum familiam Milonis, item Faustae uxoris ejus exhibendam duo adolescentuli, qui Appii Claudii ambo appellabantur, qui erant C. Claudii filii, qui frater fuerat Clodii, et ob id illi patrui sui mortem velut auctore fratre persequebantur. Easdem Faustae et Milonis familias postulaverunt duo Valerii, Nepos et Leo, et L. Herennius Balbus. P. Clodii quoque familiam et comitum ejus postulavit eodem tempore Caelius; familiam Hypsaei et Q. Pompeii postulavit. . . . Ad-

goddess of death or funerals. There were no consuls now, and the 'fasces' were on the couch of Libitina. This is all that we can collect from the passage.

nihilo deterius] Orelli refers to Dion Cassius (40, c. 49), who says that Milo prosecuted his canvass just as actively after Clodius' death, or even more actively. Madvig proposes to read 'nihil deterritus.'—'tributim in singulos:' Halm prints 'tributim *singula*,' and observes, "all gifts of corn and donations of money, even in the Imperial period, were distributed according to tribes by the overseers of the districts (curatores tribuum)."

contionem . . . . dedit] The tribune allowed Milo to address the people, which a private person could not do without a magistrate's consent.

tribuni plebis] They had entered on their office, if they had entered at the regular time, on the tenth of December of the preceding year, B.C. 53. Pompeius was proconsul of Spain, which was administered by his Legati Afranius and Petreius. The senate gave to the Interrex, to the Tribuni pl., and to Pompeius, the commission which they gave in extraordinary emergencies to the consuls when there were consuls, 'Ne quid detrimenti,' &c.

exhibendam] 'to be produced.' This is a technical word. See 'Exhibere,' Index, Vol. i. The slaves were demanded in order to be questioned by torture about the facts of Clodius' death. Cicero has some remarks about the examination of the slaves (c. 22).—'frater fuerat:' the pluperfect, because P. Clodius was dead; that C. Claudius was still living appears from the words 'velut auctore fratre' (Halm). It appears that he was still Propraetor of Asia in B.C. 54. Drumann infers from this passage, 'frater fuerat,' that Caius was now dead; and perhaps his conclusion is right.

fuerunt Miloni Q. Hortensius, M. Cicero, M. Marcellus, M. Calidius, M. Cato, Faustus Sulla. Verba pauca Q. Hortensius dixit, liberos esse eos qui pro servis postularentur; nam post recentem caedem manu miserat eos Milo sub hoc titulo, quod caput suum ulti essent. Haec agebantur mense intercalari. Post diem trigesimum fere quam erat Clodius occisus, Q. Metellus Scipio in senatu contra M. Caepionem conquestus est, ac de caede P. Clodii falsum esse dixit, quod Milo sic se defenderet . . . Clodium Aricinos decuriones alloquendi gratia abiisse, profectum cum sex ac viginti servis: Milonem subito post horam quartam senatu misso cum servis amplius trecentis armatis obviam ei contendisse, et supra Bovillas inopinantem in itinere aggressum; ibi P. Clodium tribus vulneribus acceptis Bovillas perlatum; tabernam in quam profugerat expugnatam a Milone; semianimem Clodium extractum in via Appia occisum esse, annulumque ejus ei morienti extractum; deinde Milonem, quum sciret in Albano parvulum filium Clodii [esse], venisse ad villam, et quum puer ante subtractus esset, de servo Halicore quaestionem ita habuisse ut eum articulatim consecaret: villicum et duos praeterea servos jugulasse; ex servis Clodii qui dominum defenderint undecim esse interfectos, Miloni duos solos saucios factos esse: ob quae Milonem postero die duodecim servos qui [ei] maxime operam navassent manu misisse, populoque tributim singula millia aeris ad defendendos de se rumores dedisse. Milo misisse ad Cn. Pompeium dicebatur, quod Hypsaeo summe studebat quod fuerat ejus quaestor, desistere se [de] petitione consulatus, si ita ei videretur; Pompeium respondisse, nemini se neque petendi neque desistendi auctorem esse, neque populi Romani potestatem aut consilium aut sententiam interpellaturum. Deinde per C. Lucilium, qui propter M. Ciceronis familiaritatem amicus erat Miloni, egisse quoque dicebatur, ne se de hac re consulendo invidia oneraret.

Inter haec quum crebresceret rumor Cn. Pompeium creari dic-

intercalari] The Intercalaris before Caesar's reformation was inserted every other year in the month of February. The Intercalaris was a month of twenty-two and sometimes twenty-three days, and it was inserted after the 23rd of February, and the five remaining days of February were added to this Intercalaris, which would consist of twenty-seven or twenty-eight days.

M. Caepionem] Manutius suggests 'M. Ciceronem.' After 'defenderet' something may have been lost; unless we make 'sic' emphatic, as Ameis, cited by Halm, proposes to do.—'[esse]:' an addition by Orelli. Halm says that it is not necessary, and he may be right.—'ex servo,' Halm.

interpellaturum] He would not prevent or anticipate (vorgreifen), as Halm renders it.—'egisse:' that is 'cum Milone.' Through Lucilius he requested Milo not to bring any odium on him by asking his opinion about this matter.

tatorem oportere, neque aliter mala civitatis sedari posse, visum est optimatibus tutius esse eum consulem sine collega creari; et quum tractata ea res esset in senatu, facto in M. Bibuli sententiam S. C., Pompeius ab interrege Ser. Sulpicio v. Kal. Mart. mense intercalario consul creatus est, statimque consulatum iniit. Deinde post diem tertium de legibus novis ferendis rettulit: duas ex S. C. promulgavit; alteram de vi, qua nominatim caedem in via Appia factam et incendium curiae et domum M. Lepidi interregis oppugnatam comprehendit, alteram de ambitu; poenam graviorem et formam judiciorum breviorem. Utraque enim lex prius testes dari, deinde uno die atque eodem et ab accusatore et ab reo perorari jubebat, ita ut duae horae accusatori, tres reo darentur. His legibus obsistere M. Caelius tribunus pl., studiosissimus Milonis, conatus est, quod et privilegium diceret in Milonem ferri, et judicia praecipitari. Et quum pertinacius legem Caelius vituperaret, eo processit irae Pompeius, ut diceret si coactus esset armis se rem publicam defensurum. Timebat autem Pompeius Milonem, seu timere se simulabat. Plerumque non domi suae, sed in hortis manebat; idque ipsum in superioribus, circa quos etiam magna manus militum excubabat. Senatum quoque semel . . . erat Pompeius, quod diceret timere se adventum Milonis. Dein proximo senatu P. Cornificius ferrum Milonem intra tunicam habere ad femur alligatum dixerat. Postulaverat ut femur nudaret, et ille sine mora tunicam levaverat. Tum M. Cicero exclamaverat, omnia illi similia crimina esse quae in Milonem dicerentur alia.

Deinde Munatius Plancus tribunus pl. produxerat in contionem M. Aemilium Philemonem, notum hominem, libertum M. Lepidi. Is se dicebat pariterque secum quattuor liberos homines iter facientes supervenisse, quum Clodius occideretur, et ob id quum proclamassent, abreptos et perductos in villam Milonis per duos menses praeclusos fuisse; eaque res seu vera seu falsa magnam invidiam Miloni contraxerat. Idemque Munatius et Pompeius tribuni pl. in rostra produxerant triumvirum capitalem, eumque

prius testes dari] This was an improvement in criminal procedure. The charge would of course be stated first, or the Judices would not know what the evidence was to prove. It has been already remarked several times that the former practice at such trials was to hear the evidence after the speeches had been delivered on both sides.

privilegium] A Lex made for Milo's case, after the act was done for which he was tried; and this was a Privilegium. See Index, Vol. iii.

idque ipsum] 'and that too.'

produxerat in contionem] 'Producere in contionem' is different from 'dare contionem,' which has already been explained. 'Producere in contionem' is said when a tr. pl. brought a person before the people to give his testimony or his opinion about some matter which was before them (Halm).

triumvirum capitalem] The 'triumviri

peius tales proposuit, ut numquam neque clariores viros neque sanctiores propositos esse constaret. Post quod statim nova lege Milo postulatus est a duobus Appiis Claudiis adolescentibus, iisdem a quibus antea familia ejus fuerat postulata, itemque de ambitu ab iisdem Appiis, et praeterea a C. Ceteio et L. Cornificio; de sodalitiis a P. Fulvio Nerato. Postulatus autem erat et de sodalitiis et de ambitu ea spe, quod primum judicium de vi futurum apparebat, quo eum damnatum iri confidebant nec postea responsurum. Divinatio de ambitu accusatorum facta est quaesitore A. Torquato; atque ambo quaesitores Torquatus et Domitius pridie Nonas Apr. reum adesse jusserunt. Quo die Milo ad Domitii tribunal venit, ad Torquati amicos misit. Ibi postulante pro eo M. Marcello, obtinuit ne prius caussam de ambitu diceret quam de vi judicium esset perfectum. Apud Domitium autem quaesitorem major Appius postulavit a Milone servos exhiberi numero IV et L, et quum ille negaret eos qui nominabantur in sua potestate esse, Domitius ex sententia judicum pronuntiavit, ut ex servorum eorum numero accusator quot vellet ederet. Citati deinde testes, secundum legem, quae, ut supra diximus, jubebat, ut prius quam caussa ageretur testes per triduum audirentur, dicta eorum judices confirmarent, quarta die adesse omnes in diem posterum juberentur, ac coram accusatore ac reo pilae, in quibus nomina judicum inscripta

de sodalitiis] See the Introduction to the oration Pro Cn. Plancio.—'Divinatio:' a preliminary proceeding for determining who should be the prosecutor, when several presented themselves as prosecutors. See Vol. i. the first oration intitled 'Divinatio.'

reum adesse] In order that the proceedings might be commenced before the Quaesitor, not that the trial should commence on this day (Halm). It was an appearance, a necessary preliminary.—'ex sententiâ judicum:' Halm translates 'kraft richterlichen Spruches,' 'by virtue of a judicial decision.' It was not a decision of the Quaesitor, but of his 'consilium' or the 'judices,' I suppose. The 'judices' for the trial were not yet appointed, as it will appear from what follows; and these 'judices' must have been some other 'judices,' appointed for these preliminary proceedings. I know not how to explain this any other way.

ut ex servorum . . . ederet] Halm remarks that this contradicts Cicêro (c. 21, 22), whose words show that Milo's slaves were not given up. He supposes that the error is not Asconius', but that there is an error in his text; and he observes that if the subject is Milo's slaves, then 'ederet' must have the unusual signification of 'choosing.' He supposes the decision to have been that Milo had no power over his slaves, for he had manumitted them, and that the prosecutors might give up some of Clodius' slaves to be examined about the circumstances of their master's death. There may be something wrong or defective in Asconius' text, but I do not think that the prosecutors would require the permission of the court to torture P. Clodius' slaves, as these slaves would be in the power of the prosecutors.

confirmarent] Manutius proposed 'consignarent,' because Asconius in his note on c. 26 says: "Idem T. Munatius Plancus, ut saepe diximus, post audita et obsignata testium verba dimissosque interim judices, vocata contione cohortatus erat populum ut clusis tabernis postero die ad judicium adesset nec pateretur elabi Milonem." We must conclude that the evidence of the witnesses was taken down in writing, and signed or in some way marked by them or by somebody to show that it was taken down correctly.

pilae...aequarentur] "In reference to the

essent, aequarentur; dein rursus postera die sortitio judicum fieret unius et LXXX, qui numerus quum sorte obtigisset, ipsi protinus sessum irent; tum ad dicendum accusator duas horas, reus tres haberet, reusque eodem die illo judicaretur; prius autem quam sententiae ferrentur quinos ex singulis ordinibus accusator, totidem reus rejiceret, ita ut numerus judicum relinqueretur qui sententias ferrent quinquaginta et unus.

Primo die datus erat in Milonem testis Cassinius Schola, qui se cum P. Clodio fuisse quum is occisus esset dixit, atrocitatemque rei factae quam maxime potuit auxit. Quem quum interrogare M. Marcellus coepisset, tanto tumultu Clodianae multitudinis circumstantis exterritus est, ut vim ultimam timens in tribunal a Domitio reciperetur. Quam ob caussam M. Marcellus et ipse Milo a Domitio praesidium imploraverunt. Sedebat eo tempore Cn. Pompeius ad aerarium, perturbatusque erat eodem illo clamore, itaque Domitio promisit, se postero die cum praesidio descensurum, idque fecit. Qua re territi Clodiani silentio verba testium per biduum audiri passi sunt. Interrogaverunt eos M. Cicero, M. Marcellus, et Milo ipse. Multi ex iis qui Bovillis habitabant testimonium dixerunt de iis quae ibi facta erant, cauponem occisum, tabernam expugnatam, corpus Clodii in publicum extractum esse. Virgines quoque Albanae dixerunt mulierem ignotam venisse ad se quae Milonis mandato votum solveret, quod Clodius occisus esset. Ultimae testimonium dixerunt Sempronia Tuditani filia, socrus P. Clodii, et uxor Fulvia, et fletu suo magno opere eos qui astabant commoverunt. Dimisso circa horam decimam judicio T. Munatius pro contione populum adhortatus est, ut postero die frequens adesset, et elabi Milonem non pateretur, judiciumque et dolorem suum

outer form, in order that a difference might not give occasion to choose one 'pila' rather than another. It appears that these balls were always made before the 'sortitio,' for which reason a particular day appears to be fixed also for the 'aequatio.' Probably the 'pilae' were in the form of wooden dice, with a coating of wax to write the names on" (Halm).

sortitio] "Since this did not take place till the evidence was heard, so we may certainly assume that out of the whole number of 360 'judices' only a small number determined by the Quaesitor were present at the examination of the witnesses, as at other similar preliminary proceedings. Hence also the formalities at the conclusion of the examination of the witnesses, and the attestation of the evidence by the 'judices' who were present" (Halm).

singulis ordinibus] The three classes from which the 'judices' were taken since the enactment of the Lex Aurelia, B.C. 70. See Vol. i. Index, Lex Aurelia.

interrogare] Halm observes that both parties had the right at the examination of the witnesses to put questions to the witnesses of the opposite side. This is true. We call it cross-examination, which the Romans well knew how to manage.

ad aerarium] It was in the temple of Saturnus, on the Clivus Capitolinus, close to the Forum (Halm).—'Albanae:' some editors have 'Vestales' instead of 'Albanae.' These were the vestals of Alba (c. 31).

ostenderet euntibus ad tabellam ferendam. Postero die, qui fuit a. d. vi. Id. Aprilis, clausae fuerunt tota urbe tabernae; praesidia in foro et circa omnes fori aditus Pompeius disposuit; ipse pro aerario ut pridie consedit septus delecta manu militum. Sortitio deinde judicum a primo die facta est; post tantum silentium toto foro fuit, quantum esse in aliquo foro potest. Tum intra horam secundam accusatores coeperunt dicere Appius major et M. Antonius et P. Valerius Nepos. Usi sunt ex lege horis duabus.

Respondit his unus M. Cicero; et quum quibusdam placuisset ita defendi crimen, interfici Clodium pro re publica fuisse,—quam formam M. Brutus secutus est in ea oratione quam pro Milone composuit et edidit quamvis non egisset,—Ciceroni id non placuit, quod non, qui bono publico damnari, idem etiam occidi indemnatus posset. Itaque quum insidias Milonem Clodio fecisse posuissent accusatores, quia falsum id erat, nam forte illa rixa commissa fuerat, Cicero apprehendit et contra Clodium Miloni fecisse insidias disputavit, eoque tota oratio ejus spectavit. Sed ita constitit, ut diximus, neutrius consilio pugnatum esse eo die, verum forte occurrisse et ex rixa servorum tandem ad caedem perventum. Notum tamen erat utrumque mortem alteri saepe minatum esse; et sicut suspectum Milonem major quam Clodii familia faciebat, ita expeditior et paratior ad pugnam Clodianorum quam Milonis fuerat. Cicero quum inciperet dicere, exceptus est acclamatione Clodianorum, qui se continere ne metu quidem circumstantium militum potuerunt; itaque non ea qua solitus erat constantia dixit.

Postero die] It appears then that the day for the verdict was the next day to the third, though Asconius has already said that the verdict was to be given on the fifth day. But as Halm observes, this passage agrees with what Cicero says at the beginning of c. 2, 'hesterna etiam contione.' Halm writes 'Postero die qui fuit judicii summus.' Some editions have 'qui fuit judicii primus,' which is absurd, for it was the last day.

vi. *Id. Aprilis*] The MSS. have iii. Id. April. Halm shows that vi. Id. April. agrees with Cicero's statement that it was the hundred and second day since Clodius' death (c. 35). He reckons so many days from the day of Clodius' death, including the 20th of January and the vi. Id. April., or 8th of April, and also the intercalary month of twenty-eight days. But it has been said by Asconius that Milo was summoned before Domitius on the 4th of April (prid. Non. April.), and there is no way of reconciling this date and the 8th of April with both the statements contained in the preceding note.

a primo die] This may be compared with 'prima luce,' 'prima nocte,' and other expressions. 'Primo die' means 'at daybreak.'

his unus] 'iis unus,' Halm.—'quamvis non:' 'quasi,' Orelli, Halm.—'apprehendit:' 'laid hold of this.' The prosecutors foolishly charged Milo with laying an ambuscade for Clodius, a fact which they could not prove. Cicero having no other defence took advantage of this, and maintained that Clodius formed a design against Milo's life, in which case self-defence was justifiable, and some excuse might be found even for the violence done to Clodius. But the encounter appears to have been really accidental, and if the facts about Clodius' death are truly reported by Asconius, Milo was justly condemned.

constantia] The story reported by Dion

Manet autem illa quoque excepta ejus oratio. Scripsit vero hanc quam legimus, ita perfecte ut jure prima haberi possit.

I. Etsi vereor, judices, ne turpe sit pro fortissimo viro dicere incipientem timere, minimeque deceat, quum T. Annius ipse magis de rei publicae salute quam de sua perturbetur, me ad ejus caussam parem animi magnitudinem afferre non posse, tamen haec novi judicii nova forma terret oculos, qui quocumque inciderunt veterem consuetudinem fori et pristinum morem judiciorum requirunt. Non enim corona consessus vester cinctus est ut solebat; non usitata frequentia stipati sumus; non illa praesidia, quae pro templis omnibus cernitis, etsi contra vim collocata sunt, non afferunt tamen oratori aliquid, ut in foro et in judicio, quamquam praesidiis salutaribus et necessariis septi sumus, tamen ne non timere quidem sine aliquo timore possimus. Quae si opposita Miloni putarem, cederem tempori, judices, nec inter tantam vim armorum existimarem esse oratori locum. Sed me recreat et reficit Cn. Pompeii sapientissimi et justissimi viri consilium, qui profecto nec justitiae suae putaret esse, quem reum sententiis judicum tradidisset, eundem telis militum dedere, nec sapientiae, temeritatem concitatae multitudinis auctoritate publica armare. Quamobrem illa arma, centuriones, cohortes non periculum nobis, sed praesidium denuntiant, neque solum ut quieto sed etiam ut magno animo simus hortantur, neque auxilium modo defensioni meae,

Cassius (40, c. 54) is that Cicero failed in his defence, and through fear could not say what he had prepared. He said a little in a lifeless manner, and was glad to withdraw. Plutarch (Cicero, c. 35) says nearly the same. Dion says that Cicero wrote the speech which we now have, and sent a copy of it to Milo in his exile at Massilia. Asconius remarks that the speech which he actually did deliver was taken down by the short-hand writers, and was extant. A comparison of the two speeches would be very instructive. That which remains is one of Cicero's best compositions. If his defence is not very good, the fault was in the case, for it was not defensible.

1. *Etsi vereor . . solebat*] This is quoted by Quintilian (xi. 3, 47—50), who has several remarks on it in this chapter, which is on Pronuntiatio (see c. 38, and note on Pronuntiatio).

corona] The crowd of people standing round. See Verr. ii. 3, c. 19, and the note. The 'consessus' is the 'judices' seated. Cicero, Ad Att. i. 16: "Non enim unquam turpior in ludo talario consessus fuit:" where he is speaking of the 'judices' who tried Clodius for the affair of the Bona Dea.

non illa] T. E.; 'nec illa' Garatoni. The two negations do not negative one another, as Halm correctly remarks. The form of expression is not adapted to our language, and the whole sentence is a good exercise for translation. Cicero says, that the soldiers who are posted there to prevent violence, still do some violence to the orator, and so he cannot without some fear even be relieved from fear. It is a laboured, artificial way of talking, or rather of writing, for men do not speak in this way.

tempori] 'temporibus' T. Wunder thinks that the word should be erased. Cicero has the same form Ad Div. ii. 9, and explains it "tempori cedere, id est necessitati parere, semper sapientis est." (Halm.) — 'oratori:' E. has 'orationi,' which Halm has injudiciously preferred.

verum etiam silentium pollicentur. Reliqua vero multitudo, quae quidem est civium, tota nostra est; neque eorum quisquam, quos undique intuentes, unde aliqua fori pars aspici potest, et hujus exitum judicii exspectantes videtis, non quum virtuti Milonis favet, tum de se, de liberis suis, de patria, de fortunis hodierno die decertari putat. II. Unum genus est adversum infestumque nobis eorum, quos P. Clodii furor rapinis et incendiis et omnibus exitiis publicis pavit, qui hesterna etiam contione incitati sunt ut vobis voce praeirent quid judicaretis. Quorum clamor, si qui forte fuerit, admonere vos debebit, ut eum civem retineatis, qui semper genus illud hominum clamoresque maximos prae vestra salute neglexit. Quamobrem adeste animis, judices, et timorem si quem habetis deponite. Nam si umquam de bonis et fortibus viris, si umquam de bene meritis civibus potestas [vobis] judicandi fuit, si denique umquam locus amplissimorum ordinum delectis viris datus est, ut sua studia erga fortes et bonos cives, quae vultu et verbis saepe significassent, re et sententiis declararent, hoc profecto tempore eam potestatem omnem vos habetis, ut statuatis utrum nos, qui semper vestrae auctoritati dediti fuimus, semper miseri lugeamus, an diu vexati a perditissimis civibus aliquando per vos ac per vestram fidem virtutem sapientiamque recreemur. Quid enim nobis duobus, judices, laboriosius, quid magis sollicitum, magis exercitum, dici aut fingi potest, qui spe amplissimorum praemiorum ad rem publicam adducti metu crudelissimorum exitiorum carere non possumus? Equidem ceteras tempestates et procellas in illis dumtaxat fluctibus contionum semper putavi Miloni esse subeundas, quod semper pro bonis contra improbos senserat; in judicio vero et in eo consilio, in quo ex cunctis ordinibus amplissimi viri judicarent, numquam existimavi spem ullam esse habituros Milonis inimicos ad ejus non modo salutem exstinguendam, sed

2. *Unum genus . . eorum*] "The genitive of the nearer definition, where we use simple apposition" (Halm). A translation will make the remark clearer: 'There is one class which is opposed to us and is our enemy, a class consisting of those (eorum).' —'exitiis publicis:' nobody can doubt that he means 'acts which bring the State to ruin;' but if we had not Cicero's authority for such an expression, we should hardly accept it from another writer.—'contione:' T. E. I have noticed this genuine orthography before. See Vol. i. Index, Contio.

voce praeirent] The Romans said, 'verba praeire,' 'verbis praeire,' and 'praeire' alone.

vobis] It means the same as 'ullis judicibus;' for the 'judices' generally are meant, not particularly those who then formed the 'consilium' (Halm). Bake proposes to erase 'vobis.'—'ut sua:' 'ubi sua' S.—'amplissimorum . . . viris:' the 'judices' selected from the three 'ordines.'

Equidem . . subeundas] Quoted by Quintilian, viii. 6, 48, and 'Equidem . . contionum,' quoted by Servius, Ad Aeneid. i. 152.

non modo . . sed etiam] Halm translates 'sed etiam' by 'sondern auch nur,'

etiam gloriam per tales viros infringendam. Quamquam in hac caussa, judices, T. Annii tribunatu rebusque omnibus pro salute rei publicae gestis ad hujus criminis defensionem non abutemur. Nisi oculis videritis insidias Miloni a Clodio factas, nec deprecaturi sumus, ut crimen hoc nobis multa propter praeclara in rem publicam merita condonetis, nec postulaturi, ut, si mors P. Clodii salus vestra fuerit, idcirco eam virtuti Milonis potius quam populi Romani felicitati assignetis. Sed si illius insidiae clariores hac luce fuerint, tum denique obsecrabo obtestaborque vos, judices, si cetera amisimus, hoc saltem nobis ut relinquatur, ab inimicorum audacia telisque vitam ut impune liceat defendere.

III. Sed antequam ad eam orationem venio, quae est propria vestrae quaestionis, videntur ea esse refutanda, quae et in senatu ab inimicis saepe jactata sunt et in contione [saepe] ab improbis et paullo ante ab accusatoribus, ut omni errore sublato rem plane quae veniat in judicium videre possitis. Negant intueri lucem esse fas ei, qui a se hominem occisum esse fateatur. In qua tandem urbe hoc homines stultissimi disputant? nempe in ea, quae primum judicium de capite vidit M. Horatii, fortissimi viri, qui nondum libera civitate, tamen populi Romani comitiis liberatus est, quum sua manu sororem esse interfectam fateretur. An est quisquam qui hoc ignoret, quum de homine occiso quaeratur, aut negari solere omnino esse factum aut recte ac jure factum esse defendi? Nisi vero existimatis dementem P. Africanum fuisse, qui, quum a C. Carbone tribuno plebis in contione seditiose interrogaretur quid de

which is literally 'but even only.' He adds, "Here also the words 'non modo . . sed etiam' contain, as they always do, a climax, which is made clear by a small change in the thought; for instance: 'not merely an attack on his life, but even a diminution of his reputation I considered impossible.'" This is the meaning, but I don't think that the explanation is good. See Vol. i. on 'Non modo.' The words 'non modo ad salutem ejus . . infringendam' are thus quoted by Quintilian, ix. 3, 77.

tribunatu] In B.C. 57. Milo's great service in his tribunate was the restoration of Cicero, which was considered as a service to the State. There is a letter of Cicero about Milo, to C. Curio (Ad Div. ii. 6). which is worth reading.

3. *in senatu*] "Post diem trigesimum fere quam erat Clodius occisus, Metellus Scipio in senatu," &c. Asconius, Introd.

Negant intueri . . interfectam fateretur] Quoted by Quintilian, v. 11, 12.

primum judicium] 'A capital trial for the first time in the case of M. Horatius,' who killed his sister for lamenting the death of one of the Curiatii (Livy, i. 26). He was tried by two Duumviri appointed by the king 'secundum legem;' and being condemned he appealed to the 'populus,' who acquitted him. Halm asks, "What Comitia were there at that time?"

recte ac jure] As 'jure' means 'lawfully,' 'consistently with law,' so 'recte' seems to mean 'rightly' in a general sense, such a rightfulness as people would admit without reference to positive law.

in contione] E. S. A little further back (c. 2) T. E. have 'contione.' P. Africanus, the brother-in law of Ti. Gracchus, declared that Gracchus had legally (jure) been put to death. Plutarch (Ti. Gracchus, c. 21) says that "on receiving at Numantia the news of the death of Tiberius, he exclaimed in the verse of Homer (Od. i. 47)

'So perish all who do the like again.'"

Ti. Gracchi morte sentiret, responderit jure caesum videri. Neque enim posset aut Ahala ille Servilius, aut P. Nasica, aut L. Opimius, aut C. Marius, aut me consule senatus non nefarius haberi, si sceleratos cives interfici nefas esset. Itaque hoc, judices, non sine caussa etiam fictis fabulis doctissimi homines memoriae prodiderunt, eum, qui patris ulciscendi caussa matrem necavisset, variatis hominum sententiis non solum divina, sed etiam sapientissimae deae sententia liberatum. Quod si duodecim tabulae nocturnum furem quoquo modo, diurnum autem, si se telo defenderet, interfici impune voluerunt, quis est qui, quoquo modo quis interfectus sit, puniendum putet, quum videat aliquando gladium nobis ad hominem occidendum ab ipsis porrigi legibus? IV. Atqui si tempus est ullum jure hominis necandi, quae multa sunt, certe illud est non modo justum, verum etiam necessarium, quum vi vis illata defenditur. Pudicitiam quum eriperet militi tribunus militaris in exercitu C. Marii, propinquus ejus imperatoris, interfectus ab eo est cui vim afferebat; facere enim probus adolescens periculose quam perpeti turpiter maluit. Atque hunc ille summus vir scelere solutum periculo liberavit. Insidiatori vero et latroni quae potest inferri injusta nex? Quid comitatus nostri, quid gladii volunt? quos habere certe non liceret, si uti illis nullo pacto liceret. Est igitur haec, judices, non scripta, sed nata lex, quam non didicimus, ac-

Velleius (ii. 4) tells the story about Carbo and Scipio, as Cicero tells it here. Scipio was found dead in his bed (B.C. 129), and Carbo was suspected of the murder, and even Scipio's own wife Sempronia (Appian, B. C. i. 20). Bake thinks that the words 'tribuno pl. seditiose' are spurious, but I can't see any reason for thinking so. 'Seditiose' means, as Halm says, 'with the view of exciting the people' against Scipio.

Ahala ille] See In Cat. i. 1, and the note. Ahala was summoned to take his trial for the death of Sp. Maelius, and to escape a condemnation which he expected. he went into exile; but this does not prove that he acted illegally.

As to Nasica, the senate sent him to Asia to get him out of the way of the popular indignation (Plut. Ti. Gracchus, c. 21). As to Opimius see the Index Vol. iii. iv.

This sentence 'Neque enim ... nefas esset' is quoted by Quintilian, v. 11, 16; and the next two sentences, v. 11, 18, and v. 14, 18.

fictis fabulis] He alludes to the story of Orestes, and his trial at Athens for the murder of his mother, and to the declaration of his acquittal by Athena, because the votes were equal for absolution and condemnation (Aeschyl. Eumen. v. 723).

duodecim tabulae] This rule of the Twelve Tables is also preserved by Gaius (Ad Legem Aquiliam, Dig. 9. 2. 4, § 1): "Lex duodecim tabularum furem noctu deprehensum occidere permittit, ut tamen id ipsum cum clamore testificetur; interdiu autem deprehensum ita permittit occidere, si is se telo defendat, ut tamen aeque cum clamore testificetur." A 'telum' was any thing thrown or moved by the hand when Gaius wrote his definition (Dig. 50. 16. 233: "sed nunc omne significatur quod mittitur manu").

4. *Pudicitiam . . . liberavit*] Quoted by Quintilian (v. 11. 15). This story is told by Plutarch (Marius, c. 14).

scripta . . . lex] Cicero says (De Legg. i. 13) "ex natura ortum esse jus," all law has its origin in 'natura,' that is, in man's nature and in the circumstances in which he is placed. This is true; and it is also true that every thing which man is anywhere, or has been, or will be, has the same origin.

Cicero here distinguishes between posi-

cepimus, legimus, verum ex natura ipsa arripuimus, hausimus, expressimus, ad quam non docti sed facti, non instituti sed imbuti sumus, ut, si vita nostra in aliquas insidias, si in vim et in tela aut latronum aut inimicorum incidisset, omnis honesta ratio esset expediendae salutis. Silent enim leges inter arma nec se exspectari jubent, quum ei qui exspectare velit ante injusta poena luenda sit quam justa repetenda. Etsi persapienter et quodam modo tacite dat ipsa lex potestatem defendendi, quae non modo hominem occidi, sed esse cum telo hominis occidendi caussa vetat, ut, quum caussa, non telum quaereretur, qui sui defendendi caussa telo esset usus, non hominis occidendi caussa habuisse telum judicaretur. Quapropter hoc maneat in caussa, judices; non enim dubito quin probaturus sim vobis defensionem meam, si id memineritis, quod oblivisci non potestis, insidiatorem jure interfici posse.

V. Sequitur illud, quod a Milonis inimicis saepissime dicitur, caedem in qua P. Clodius occisus est senatum judicasse contra rem publicam esse factam. Illam vero senatus non sententiis suis solum, sed etiam studiis comprobavit. Quoties enim est illa caussa a nobis acta in senatu! quibus assensionibus universi ordinis, quam nec tacitis nec occultis! Quando enim frequentissimo senatu quattuor aut summum quinque sunt inventi qui Milonis caussam non probarent? Declarant hujus ambusti tribuni plebis illae inter-

tive law (scripta lex), for the term means nothing else here, and such universal principles as all mankind agree in, though they may not be reduced to the form of positive law. Such is the so-called law of self-defence, universally admitted, known, and recognized without being taught or expressed in the form of law. Xenophon (Mem. iv. c. 4) makes Socrates discourse on this 'nata lex,' or universal rules, the origin of which, he says, is from the gods, as Cicero says, it is from 'natura.'—'honesta ratio:' Halm observes that 'honesta' means that which can be morally justified; and Cicero does not say 'justa,' as he says below 'interfici jure,' because here he is speaking of natural law (Naturrecht); of those rules or principles which are universal, and not merely in the positive law of any particular country.

Silent enim . . . repetenda] Quintilian, v. 14. 17.—'Etsi . . . ipsa lex:' by observing the connexion between these two words, we see what he means: 'and yet . . . even the law.'—'non hominem:' T. E. S. Baiter; 'non modo hominem' C. Graevius says that 'non modo' is for 'non modo non,' as it often is in Cicero. I don't accept that explanation, and I retain 'modo.' (See remarks on 'non modo,' Vol. i.)

The Lex did forbid a man to be killed, and also to have any weapon for the purpose of killing (Dig. 48. 8. 1): "Lege Cornelia de sicariis et veneficis tenetur qui hominem occiderit cujusque dolo malo incendium factum est, quive hominis occidendi furtive faciendi caussa cum telo ambulaverit." But the Lex said a 'telum for the purpose of killing a man,' and if the inquiry was for what cause one man killed another, then if the cause was sufficient, he was supposed to have had the 'telum' not for the purpose of killing; and so the Lex did not apply.

hoc maneat in caussa] Let this be fixed, established; this that he has just said.

5. *contra rem publicam*] This was the formula in which the senate declared that a thing was dangerous to the State; it might be a thing either contrary to positive law or not.—'aut summum:' T. has 'ad summum.'

hujus ambusti] 'Those harangues of

mortuae contiones, quibus quotidie meam potentiam invidiose criminabatur, quum diceret senatum non quod sentiret, sed quod ego vellem decernere. Quae quidem si potentia est appellanda potius quam aut propter magna in rem publicam merita mediocris in bonis caussis auctoritas, aut propter hos officiosos labores meos nonnulla apud bonos gratia, appelletur ita sane, dummodo ea nos utamur pro salute bonorum contra amentiam perditorum. Hanc vero quaestionem, etsi non est iniqua, numquam tamen senatus constituendam putavit; erant enim leges, erant quaestiones vel de caede vel de vi, nec tantum maerorem ac luctum senatui mors P. Clodii afferebat ut nova quaestio constitueretur. Cujus enim de illo incesto stupro judicium decernendi senatui potestas esset erepta, de ejus interitu quis potest credere senatum judicium novum constituendum putasse? Cur igitur incendium curiae, oppugnationem aedium M. Lepidi, caedem hanc ipsam contra rem

this half-scorched tribune, which fell dead.' Asconius explains this: "T. Munatius Plancus et Q. Pompeius Rufus tribuni pl. cum contra Milonem Scipioni et Hypsaeo studerent, contionati sunt eo ipso tempore plebemque in Milonem accenderunt, quo propter Clodii corpus curia incensa est, nec prius destiterunt quam flamma ejus incendii fugati sunt e contione. Erant enim tunc rostra non eo loco quo nunc sunt, sed ad comitium, prope juncta curiae. Ob hoc T. Munatium *ambustum tribunum* appellat: fuit autem paratus ad dicendum." Cicero then means that the speech was stopped, stifled by the flames.

aut propter . . . aut propter] Halm observes that 'aut . . . aut' in this passage do not denote an exclusive opposition, and that consequently 'vel . . . vel' would do as well.

erant enim leges] There was no occasion for the senate to establish a new kind of trial: there were Leges and forms of trial already adapted to such cases, the Lex Cornelia, and the Plautia De vi.

Cujus enim de illo incesto] This is the old story of Clodius having got into Caesar's house to have an intrigue with Caesar's wife, as it was said, at the time when the ceremonies of the Bona Dea were going on, at which no male was allowed to be present (B.C. 62). It was first proposed in the senate by the consuls M. Pupius Piso and M. Messala, that a particular form of trial (nova quaestio) should be established for Clodius' offence against religion, for there was no 'perpetua quaestio' which applied to Clodius' case; and that the 'judices' should be named by the praetor (Ad Att. i. 13 and 14). But when the Rogatio, in conformity to the decision of the senate, was proposed to the people, Clodius' faction and the bad faith of the consul Piso prevented the question being put to the vote. At last the tribune Fufius proposed a Lex, which differed only from the consular Rogatio in the way of choosing the 'judices,' but, as Cicero remarks (Ad Att. i. 16), this was everything. Clodius was tried and acquitted by a small majority of the 'judices,' and his acquittal, as Cicero says, was the result of bribery. This explains what Cicero says here, 'judicium decernendi senatui potestas esset erepta.'

The term 'incestus' comprehended all acts that offend against morality and religion; such acts, for instance, as the unchastity of a Vestal. The Pontifices who were consulted in the matter of Clodius reported that it was 'nefas.'

M. Lepidi] See the Introduction. Asconius tells all the story about Lepidus: "Post biduum medium quam Clodius occisus erat, interrex primus proditus est M. Aemilius Lepidus. Non fuit autem moris ab eo, qui primus interrex proditus erat, comitia haberi. Sed Scipionis et Hypsaei factiones, quia recens invidia Milonis erat, cum contra jus postularent ut interrex ad comitia consulum creandorum descenderet, idque ipse non faceret, domum ejus per omnes interregni dies (fuerant autem ex more quinque) obsederunt. Deinde omni vi janua expugnata et imagines majorum dejecerunt et lectulum adversum uxoris ejus Corneliae, cujus castitas pro

publicam senatus factam esse decrevit? Quia nulla vis umquam est in libera civitate suscepta inter cives non contra rem publicam. Non enim est illa defensio contra vim umquam optanda, sed nonnumquam est necessaria; nisi vero aut ille dies, [in] quo Ti. Gracchus est caesus, aut ille quo Caius, aut [quo] arma Saturnini, etiamsi e re publica oppressa sunt, rem publicam tamen non vulnerarunt. VI. Itaque ego ipse decrevi, quum caedem in Appia factam esse constaret, non eum qui se defendisset contra rem publicam fecisse, sed, quum inesset in re vis et insidiae, crimen judicio reservavi, rem notavi. Quod si per furiosum illum tribunum senatui quod sentiebat perficere licuisset, novam quaestionem nullam haberemus. Decernebat enim, ut veteribus legibus tantummodo extra ordinem quaereretur. Divisa sententia est postulante nescio quo; nihil enim necesse est omnium me flagitia proferre. Sic reliqua auctoritas senatus empta intercessione sublata est.

exemplo habita est, fregerunt, itemque telas quae ex vetere more in atrio texebantur diruerunt: postque supervenit Milonis manus et ipsa postulans comitia, cujus adventus fuit saluti Lepido; in se enim ipsae conversae sunt factiones inimicae atque ita oppugnatio domus interregis omissa est."

Quia nulla vis] Halm says that the orator's answer is unsatisfactory, and would apply to every violent act, though as a general rule such a declaration of the senate was not made. But Cicero does not mean that every act of violence was followed by such a declaration; and besides that, it is true that all violence is 'contra rem publicam.'

non vulnerarunt] Baiter, following Madvig, places 'non' after 'Saturnini,' and he omits 'quo' before 'arma.'—'e re publica' means 'in the interest of the State.'

6. *decrevi*] 'I was of this opinion.' See Index, 'decernere.'—'furiosum . . tribunum:' T. Munatius Plancus. —'extra ordinem:' 'out of the regular course or order' (Abrami), who refers to the Ad Div. viii. 8, where Caelius uses the expression 'extraordinarius reus nemo.' The 'veteres leges' were the existing 'leges' which applied to such a case as Clodius' death. See the Introduction to the oration Pro Caelio as to the Lex Plautia or Plotia.

Divisa sententia] "Quum aliquis in dicenda sententia duas pluresve res complectitur, et si non omnes aeque probantur, postulatur ut dividatur, id est, de rebus singulis referatur. Non ei qui hoc postulat oratione longa utendum ac ne consurgendum quidem utique est: multi enim sedentes hoc unum verbum pronuntiant, Divide" (Ascon.). 'Nescio quo' is Q. Fufius.

reliqua auctoritas] The 'auctoritas' is the measure proposed in the senate. Asconius says, "Acta totius illius temporis persecutus sum, in quibus cognovi pridie Kal. Mart. senatus consultum esse factum, P. Clodii caedem et incendium curiae et oppugnationem aedium M. Lepidi contra rem p. factam: ultra relatum in actis illo die nihil." This was all that Asconius found in the Acta of the day before the first of March. He tells us further, that on the next day Munatius Plancus reported to the people what had been done the day before in the senate, and he said that Hortensius had moved "ut extra ordinem quaereretur apud quaesitorem." Then he said "invenimus Fufium qui diceret, Divide: reliquae parti sententiae ego et Sallustius intercessimus." The minutes of the proceedings of the day before contained the resolution of the senate, 'P. Clodii caedem . . factam.' In consequence of the 'intercessio' of the tribunes only a part of what was proposed was carried in the senate; and Cicero and Asconius tell us what that was which was proposed, but not carried. Th. Mommsen, as Halm's note states, so explained the passage, and Halm remarks that Asconius' note confirms the explanation. The old explanation was that what related to the 'quaestio extra ordinem' was carried, and what related to the 'veteribus legibus' was rejected.

At enim Cn. Pompeius rogatione sua et de re et de caussa judicavit; tulit enim de caede, quae in Appia via facta esset, in qua P. Clodius occisus esset.—Quid ergo tulit? Nempe ut quaereretur. Quid porro quaerendum est? Factumne sit? At constat. A quo? At paret. Vidit igitur etiam in confessione facti juris tamen defensionem suscipi posse. Quod nisi vidisset posse absolvi eum qui fateretur, quum videret nos fateri, neque quaeri umquam jussisset nec vobis tam hanc salutarem in judicando litteram quam illam tristem dedisset. Mihi vero Cn. Pompeius non modo nihil gravius contra Milonem judicasse, sed etiam statuisse videtur quid vos in judicando spectare oporteret. Nam qui non poenam confessioni, sed defensionem dedit, is caussam interitus quaerendam, non interitum putavit. VII. Jam illud dicet ipse profecto, quod sua sponte fecit, Publione Clodio tribuendum putarit an tempori. Domi suae nobilissimus vir, senatus propugnator atque illis quidem temporibus paene patronus, avunculus hujus judicis nostri, fortissimi viri, M. Catonis, tribunus plebis M. Drusus occisus est. Nihil de ejus morte populus consultus, nulla quaestio decreta a senatu est. Quantum luctum in hac urbe fuisse a nostris patribus accepimus, quum P. Africano domi suae quiescenti illa nocturna vis esset illata! Quis tum non gemuit, quis non arsit dolore, quem immortalem, si fieri posset, omnes esse cuperent, ejus ne necessariam quidem exspectatam esse mortem? Num igitur ulla quaestio de Africani morte lata est? Certe nulla. Quid ita? Quia non alio facinore clari homines, alio obscuri necantur. Intersit inter vitae dignitatem summorum atque infimorum: mors quidem illata per scelus iisdem et poenis teneatur et legibus; nisi forte magis erit parricida, si quis consularem patrem quam si quis humilem neca-

At enim Cn. Pompeius] This is an objection of Milo's prosecutors. 'De re,' about the fact, and 'de caussa,' the case, the guilt of Milo. Quintilian (iii. 5) gives several definitions of 'caussa' in the legal sense.

At paret] S. has 'at patet.' There are also the readings 'apparet,' and 'at apparet,' both of which are false. The old commentators correctly observe that 'paret' is the proper word. See Index, Vol. ii., 'Si paret.'—'salutarem . . litteram:' the tablet marked A (absolvo). The tablet of condemnation was marked K (condemno), "Quod nisi vidisset posse absolvi eum." See Vol. i., Index, 'Quod si.'

7. *Jam illud*] He says that Pompeius will say, whether he has done what he did of his own motion, out of regard to Clodius, or to the circumstances of the times.

M. Drusus] A sister of this M. Livius Drusus was the second wife of the father of M. Porcius Cato, who was one of the 'judices' at this trial. Drusus was murdered B.C. 91, in the 'atrium' of his own house, by an unknown assassin.—'P. Africano:' see c. 3. The Schol. Bob. speaks of C. Gracchus being suspected of Scipio's murder, as well as Scipio's wife Sempronia.

magis erit parricida] See Verr. ii. 5, c. 66, and the note. In some editions the word is written 'paricida.' I do not know if it is possible to ascertain the genuine orthography.

verit, aut eo mors atrocior erit P. Clodii, quod is in monumentis majorum suorum sit interfectus—hoc enim ab istis saepe dicitur—proinde quasi Appius ille Caecus viam muniverit, non qua populus uteretur, sed ubi impune sui posteri latrocinarentur. Itaque in eadem ista Appia via quum ornatissimum equitem Romanum P. Clodius M. Papirium occidisset, non fuit illud facinus puniendum; homo enim nobilis in suis monumentis equitem Romanum occiderat; nunc ejusdem Appiae nomen quantas tragoedias excitat. Quae cruentata antea caede honesti atque innocentis viri silebatur, eadem nunc crebro usurpatur, posteaquam latronis et parricidae sanguine imbuta est. Sed quid ego illa commemoro? Comprehensus est in templo Castoris servus P. Clodii, quem ille ad Cn. Pompeium interficiendum collocarat. Extorta est [ei] confitenti sica de manibus; caruit foro postea Cn. Pompeius, caruit senatu, caruit publico, janua se ac parietibus, non jure legum judiciorumque texit. Num quae rogatio lata, num quae nova quaestio decreta est? Atqui, si res, si vir, si tempus ullum dignum fuit, certe haec in illa caussa summa omnia fuerunt. Insidiator erat in foro collocatus atque in vestibulo ipso senatus; ei viro autem mors parabatur, cujus in vita nitebatur salus civitatis; eo porro rei publicae tempore, quo, si unus ille occidisset, non haec solum civitas, sed gentes omnes concidissent: nisi vero, quia perfecta res non est, non fuit punienda;

in monumentis] On the Via Appia which Appius the Censor constructed, as Abrami remarks (B.C. 312). The word 'monumenta,' among other meanings, signifies the public buildings or roads which a man has constructed. Tacitus (Ann. iii. 72) says: "Iisdem diebus Lepidus a senatu petivit ut basilicam Paulli, Aemilia monumenta, propria pecunia firmaret ornaretque."—'viam muniverit:' B. has the corrupt reading 'invenerit,' a mistake which is not difficult to explain.

M. Papirium] Asconius explains this: "Pompeius post triumphum Mithridaticum Tigranis filium in catenis deposuerat apud Flavium senatorem, qui postea cum esset praetor eodem anno quo tribunus pl. Clodius, petiit ab eo Clodius super cenam ut Tigranem adduci juberet ut eum videret. Adductum collocavit in convivium, dein Flavio non reddidit; Tigranem dimisit et habuit extra catenas, nec repetenti Pompeio reddidit; postea in navem deposuit et quum profugeret ille, tempestate delatus est Antium. Inde ut deduceretur ad se, Clodius Sex. Clodium, de quo supra diximus, misit qui eum reduceret. Flavius quoque re cognita ad diripiendum Tigranem profectus est. Ad quartum lapidem ab urbe pugna facta est, in qua multi ex utraque parte ceciderunt, plures tamen ex Flavii, inter quos et M. Papirius eques Romanus, publicanus, familiaris Pompeio. Flavius sine comite Romam vix perfugit."

silebatur] See Pro Balbo, c. 16, and the note on 'siletur.'—'usurpatur' means 'is often talked of,' 'is in people's mouths;' as in the In Vatin. c. 11: "Et quoniam crebro usurpas legem te de alternis consiliis rejiciendis tulisse."

templo Castoris] This is the temple where the senate sometimes sat. Cicero has often mentioned it (Index, Vol. iii.). The story of the attempt to murder Cn. Pompeius has been told before more than once (Pro Sestio, c. 32, and the note). After this attempt Pompeius shut himself up in his house.—'occidisset:' 'cecidisset' E. Halm thinks that 'cecidisset' is rhetorically preferable, because the following word 'concidissent' thus obtains its full signification, as Graevius also had remarked.

nisi vero, quia] This refers to 'Atqui,

proinde quasi exitus rerum, non hominum consilia legibus vindicentur. Minus dolendum fuit re non perfecta, sed puniendum certe nihilo minus. Quoties ego ipse, judices, ex P. Clodii telis et ex cruentis ejus manibus effugi, ex quibus si me non vel mea vel rei publicae fortuna servasset, quis tandem de interitu meo quaestionem tulisset? VIII. Sed stulti sumus qui Drusum, qui Africanum, Pompeium, nosmetipsos cum P. Clodio conferre audeamus. Tolerabilia fuerunt illa: P. Clodii mortem aequo animo nemo ferre potest. Luget senatus, maeret equester ordo, tota civitas confecta senio est, squalent municipia, afflictantur coloniae, agri denique ipsi tam beneficum, tam salutarem, tam mansuetum civem desiderant. Non fuit ea caussa, judices, profecto, non fuit, cur sibi censeret Pompeius quaestionem ferendam, sed homo sapiens atque alta et divina quadam mente praeditus multa vidit: fuisse illum sibi inimicum, familiarem Milonem; in communi omnium laetitia, si etiam ipse gauderet, timuit ne videretur infirmior fides reconciliatae gratiae; multa etiam alia vidit, sed illud maxime, quamvis atrociter ipse tulisset, vos tamen fortiter judicaturos. Itaque delegit ex florentis-

si.' Abrami furnishes all the matter on such occasions as these. In the Dig. (48. 8. 14) the doctrine is laid down: "in maleficiis voluntas spectatur non exitus," which is a rescript of Hadrian. Another rescript of Hadrian (48. 8. 1, § 3) is this: "qui hominem non occiderit, sed vulneraverit ut occidat, pro homicida damnandum." This is a sound principle. The guilt of the assassin does not depend on the event, but on the intention (voluntas). Intention alone is not punishable, because it cannot be proved; but if it could be proved, the intention should be punished. The intention is best proved by the act, and the manner of doing the act. The act alone does not prove the intention; but he who kills is under the obligation of showing that it was not his intention to kill. When the intention is proved, and the intention becomes act, the attempt to kill ought to be punished as it would be punished if death were the consequence. Our law does not accept this principle. It seems as if we were particularly concerned to spare men who intended to kill, and cared little for those whose lives were attempted. Attempts to murder by attempting to administer poison, or by shooting, or attempting to drown, suffocate, or strangle any person, although no bodily injury is effected (7 Wm. IV. and 1 Vict. c. 85) are punishable with transportation for life or imprisonment. If the attempt to murder succeeds, the penalty is death. The result depends on his success. If a man shoots with the intention of killing and misses, he has the benefit of the accident. Other cases of shooting and wounding with intent to do grievous bodily harm are also punishable with transportation or imprisonment. Accordingly, a man may shoot or stab another, and a jury may find that the intention is only to do grievous bodily harm, when everybody sees plainly that the intention was to kill. Cicero is right. It is the intention that we punish, or should punish, not the act. 'There is less cause for sorrow, if the act is not accomplished, but certainly the intention should be punished all the same,' as he says; and he says it well.

8. *afflictantur*] Halm quotes Cicero, Tusc. (iv. c. 8), "afflictatio aegritudo cum vexatione corporis;" and accordingly he says that 'afflictantur' expresses the highest external expression of grief, shown by wringing of the hands, beating of the breast. He also observes that the whole passage is a masterly example of the figure Merismos. Be it so.

quaestionem ferendam] The proposal for enacting the Lex about the 'quaestio.' —'reconciliatae gratiae:' Clodius and Pompeius had long been enemies, at least since Clodius' tribunate in B.C. 58, but they had lately been reconciled (Dion. 39, c. 29).

delegit] He did not select them, but he

simis ordinibus ipsa lumina, neque vero, quod nonnulli dictitant, secrevit in judicibus legendis amicos meos; neque enim hoc cogitavit vir justissimus, neque in bonis viris legendis id assequi potuisset, etiamsi cupisset. Non enim mea gratia familiaritatibus continetur, quae late patere non possunt, propterea quod consuetudines victus non possunt esse cum multis; sed si quid possumus, ex eo possumus, quod res publica nos conjunxit cum bonis. Ex quibus ille quum optimos viros legeret, idque maxime ad fidem suam pertinere arbitraretur, non potuit legere non studiosos mei. Quod vero te, L. Domiti, huic quaestioni praeesse maxime voluit, nihil quaesivit aliud nisi justitiam, gravitatem, humanitatem, fidem. Tulit ut consularem necesse esset, credo, quod principum munus esse ducebat resistere et levitati multitudinis et perditorum temeritati. Ex consularibus te creavit potissimum; dederas enim quam contemneres populares insanias jam ab adolescentia documenta maxima. IX. Quamobrem, judices, ut aliquando ad caussam crimenque veniamus, si neque omnis confessio facti est inusitata, neque de caussa nostra quidquam aliter ac nos vellemus a senatu judicatum est, et lator ipse legis, quum esset controversia nulla facti, juris tamen disceptationem esse voluit, et ei lecti judices, isque praepositus quaestioni qui haec juste sapienterque disceptet, reliquum est, judices, ut nihil jam aliud quaerere debeatis nisi uter utri insidias fecerit. Quod quo facilius argumentis perspicere possitis, rem gestam vobis dum breviter expono, quaeso diligenter attendite.

P. Clodius quum statuisset omni scelere in praetura vexare rem

proposed the mode of selection. See Asconius' Introduction.

Tulit ut consularem] See Asconius' Introduction.—'dederas enim:' "Constantiam L. Domitii, quam in praetura praestitit, significat. Nam eo tempore quum Cn. Manlius trib. pl. subnixus libertinorum et servorum manu perditissimam legem ferret, ut libertinis in omnibus tribubus suffragium esset, idque per tumultum ageret et clivum Capitolinum obsideret, discesserat perruperatque coetum Domitius ita ut multi Manlianorum interficerentur. Quo facto et plebem infimam offenderat et senatus magnam gratiam inierit" (Ascon.). This was in B.C. 58. Dionysius (Antiq. iv. 22) says that king Servius Tullius placed freedmen in the four Urbanae tribus, where they continued till his time. (Comp. Livy, 45, c. 15; Cicero, De Oratore, i. 9.)

9. *et ei lecti*] Halm's conjecture. T. E. S. have 'et electi.'

P. Clodius] Here the 'narratio,' or statement of the facts, begins, as to which Cicero says (De Or. ii. 81): "Sed quando utendum sit aut non sit narratione, id est consilii." There are cases when it is not necessary. He says "Nam ad summam totius caussae pertinet caute an contra demonstrata res sit, quod omnis orationis reliquae fons est narratio." Quintilian tells us what is the 'ordo' in the 'judiciales caussae.' First comes the Proemium, then the Narratio, of which Quintilian treats very fully (iv. 2). Quintilian's rule is: "Omnia denique quae probatione tracturi sumus, personam, caussam, locum, tempus, instrumentum, occasionem narratione delibabimus" (Halm). The Auctor ad Herennium (i. c. 3) divides the Inventio into six parts: "Inventio in sex partes

publicam videretque ita tracta esse comitia anno superiore, ut non multos menses praeturam gerere posset, qui non honoris gradum spectaret, ut ceteri, sed et L. Paullum collegam effugere vellet singulari virtute civem, et annum integrum ad dilacerandam rem publicam quaereret, subito reliquit annum suum seseque in annum proximum transtulit, non ut fit religione aliqua, sed ut haberet, quod ipse dicebat, ad praeturam gerendam, hoc est ad evertendam rem publicam, plenum annum atque integrum. Occurrebat ei mancam ac debilem praeturam futuram suam consule Milone; eum porro summo consensu populi Romani consulem fieri videbat. Contulit se ad ejus competitores, sed ita totam ut petitionem ipse solus etiam invitis illis gubernaret, tota ut comitia suis, ut dictitabat, humeris sustineret. Convocabat tribus; se interponebat; Collinam novam dilectu perditissimorum civium conscribebat. Quanto ille plura miscebat, tanto hic magis in dies convalescebat. Ubi vidit homo ad omne facinus paratissimus fortissimum virum, inimicissimum suum, certissimum consulem, idque intellexit non solum sermonibus, sed etiam suffragiis populi Romani saepe esse declaratum, palam agere coepit et aperte dicere occiden-

orationis consumitur, in exordium, narrationem, divisionem, confirmationem, confutationem, conclusionem," each of which he explains. The Greek orators contain many excellent examples of Narratio.

tracta comitia] The consuls of the year B.C. 53 Domitius Calvinus and Valerius Messala did not enter on their consulship till July B.C. 53 (Dion, 40, c. 17. 45); and Appian (B. C. ii. 19) remarks that the city was in a state of anarchy, without chief magistrates for eight months.

L. Paullum] L. Aemilius Paullus, a zealous partizan of the Optimates, who was consul B.C. 50, who however neither as a statesman nor in the field acquired much reputation (Halm).

annum suum] The first year in which he could be a candidate for the praetorship. (See De Lege Agraria, ii. c. 2, Vol. ii., and the note on 'Anno meo.') Clodius was Aedilis curulis in B.C. 56, and if two years was the interval, which the law fixed between the time of a man filling one of the Magistratus majores and another, Clodius could not be Praetor before B.C. 53 (De Imp. Cn. Pompeii, c. 21, and the note; and Becker, Handbuch, &c. ii. 2, p. 19, &c.). Compare with this passage Cicero, Ad Fam. x. 25: "ut si aedilis fuisses, post biennium tuus annus esset," and Becker's note.—'ut fit:' as is the case with some (Pro Plancio, c. 14); not from any conscientious scruples.

humeris] 'umeris,' Baiter; 'humeris' T. E. But 'umeris' is perhaps the genuine orthography.

se interponebat] He acted as a kind of manager among the 'tribus.'—'Collinam:' there was an old reading in the printed books, 'Coloniam,' but Fr. Fabritius restored 'Collinam,' and he explains the passage thus: Clodius got together some of the worst citizens to make a new Collina tribus, the Collina being one of the four Urbanae tribus. Cicero might call it a new 'tribus,' because Clodius in some way got new men into it. "Every city 'tribus,' being local, consisted of a number of 'vici' and 'compita,' and so far Cicero might speak of Clodius, who was the restorer of the 'compitalicia collegia,' as of one who 'Collinam novam conscribebat,' namely out of the men who dwelt in the 'vici' of the Collina" (Th. Mommsen, quoted by Halm).

suffragiis] In those Comitia which had been interrupted (Abrami). "P. Clodius immissa seditiosorum manu comitia turbaverat, quae habebantur de consulibus creandis, cum esset etiam Milo candidatus (Schol. Ad Cic. or. de aere alieno Milonis p. 343)," quoted by Halm.

dum Milonem. Servos agrestes et barbaros, quibus silvas publicas depopulatus erat Etruriamque vexarat, ex Apennino deduxerat, quos videbatis. Res erat minime obscura. Etenim palam dictitabat consulatum Miloni eripi non posse, vitam posse. Significavit hoc saepe in senatu, dixit in contione. Quin etiam Favonio fortissimo viro quaerenti ex eo, qua spe fureret Milone vivo, respondit triduo illum aut summum quatriduo periturum. Quam vocem ejus ad hunc M. Catonem statim Favonius detulit. X. Interim quum sciret Clodius, neque enim erat difficile scire, iter sollenne, legitimum, necessarium ante diem XIII. Kalendas Febr. Miloni esse Lanuvium ad flaminem prodendum, [quod erat dictator Lanuvii Milo,] Roma subito ipse profectus pridie est, ut ante suum fundum, quod re intellectum est, Miloni insidias collocaret. Atque ita profectus est, ut contionem turbulentam, in qua ejus furor desideratus est, quae illo ipso die habita est, relinqueret, quam, nisi obire facinoris locum tempusque voluisset, numquam reliquisset. Milo autem

Servos] The epithet 'barbari,' says Halm, merely denotes the character of these slaves, not their occupation or origin. This may be so, but Italy was now filled with slaves from foreign countries. The 'public forests' were the property of the State, I suppose, or of towns. Fuel would be cut here, and pitch made, and cattle pastured there. "Nam quum in silva Sila facta caedes esset notique homines interfecti insimulareturque familia, partim etiam liberti societatis ejus quae picarias de P. Cornelio L. Mummio censoribus redemisset" (Brutus, c. 22). Clodius brought down the rough fellows from the Apennines.

Favonio] 'M. Favonio,' Baiter, as Krause proposes to write his name (Frag. Vet. Hist. Rom. p. 233).

10. *ante diem*] See in Cat. i. 3 and the note. "That this was not the twentieth of January, as several persons have assumed, but the eighteenth of the same month, has been proved by Brewer, Ueber die Chronologie of this speech, xxviii., whom the reader may consult on this matter" (Klotz). But it is not possible for readers to go and consult every modern book which a commentator refers to. I do not know whether Klotz means that 'ante diem XIII.' is wrongly explained, or that Cicero has named the wrong day. If he means that the expression is wrongly explained, the reader need not trouble himself any further.

Lanuvium] Lanuvium, now Cività Lavigna, was an old Latin town on the right of the Via Appia, as you go from Rome, at the termination of a branch of the Alban hills, which projects some distance into the level country, and in consequence of this position it commands a clear view all round. Lanuvium was connected by a road with the Appia (Westphal, Römische Kampagne). When the Lanuvini received the Civitas after the dissolution of the Latin league, B.C. 336, their sacred places were restored to them. "Lanuvinis civitas data, sacraque sua reddita, ut aedes lucusque Sospitae Junonis communis Lanuvinis municipibus cum populo Romano esset" (Livy, viii. 14). Milo was going to assist at the election of a priest of Juno. 'Prodere' was a word used by the Romans in the matter of the appointment of an Interrex (Index, Vol. iii.). Dictator was the title of the chief magistrate of a Latin town, who was annually elected. Klotz, following Abrami, refers to Spartianus, Hadrian. c. 19: "Per Latina oppida dictator et aedilis et duumvir fuit." The words 'quod . . Milo' are supposed by Bake to be from the hand of a scholiast, which is probable, and it is some evidence of an interpolation that Cicero would have said 'quod esset.'

fundum] His estate. "Ager cum aedificio fundus dicitur" (Dig. 50. 16. 211). (Halm.)—'quae . . habita est:' Bake thinks that this too is scholiast work.

Milo autem . . commoratus est] Quintilian (iv. 2, 57) quotes these words, and he commends Cicero's art: "Quam nihil praeparato, nihil festinato fecisse videtur Milo. Quod non solum rebus ipsis vir

quum in senatu fuisset eo die, quoad senatus est dimissus, domum venit, calceos et vestimenta mutavit, paullisper, dum se uxor, ut fit, comparat, commoratus est, deinde profectus id temporis, quum jam Clodius, siquidem eo die Romam venturus erat, redire potuisset. Obviam fit ei Clodius expeditus, in equo, nulla rheda, nullis impedimentis, nullis Graecis comitibus, ut solebat, sine uxore, quod numquam fere; quum hic insidiator, qui iter illud ad caedem faciendam apparasset, cum uxore veheretur in rheda, paenulatus, magno et impedito et muliebri ac delicato ancillarum puerorumque comitatu. Fit obviam Clodio ante fundum ejus hora fere undecima aut non multo secus. Statim complures cum telis in hunc faciunt de loco superiore impetum; adversi rhedarium occidunt. Quum autem hic de rheda rejecta paenula desiluisset seque acri animo defenderet, illi qui erant cum Clodio gladiis eductis, partim recurrere ad rhedam, ut a tergo Milonem adorirentur, partim, quod hunc jam interfectum putarent, caedere incipiunt ejus servos qui post erant; ex quibus qui animo fideli in dominum et praesenti fuerunt, partim occisi sunt, partim, quum ad rhedam pugnari viderent, domino succurrere prohiberentur, Milonem occisum et ex ipso Clodio audirent et revera putarent, fecerunt id servi Milonis—dicam enim [aperte]

eloquentissimus, quibus moras et lentum profectionis ordinem ducit, sed verbis etiam vulgaribus ac quotidianis et arte occulta consecutus est.—Frigida videntur ista plerisque; sed hoc ipsum manifestum est quomodo judicem fefellerit quod vix a lectore deprehenditur. Haec sunt quae credibilem faciunt expositionem."

ut fit] His wife Fulvia was a long time in dressing, after women's fashion (ut fit), who keep their husbands waiting.—'id temporis:' Vol. i., Index.

rheda] 'reda' T. S. A 'rheda' is a carriage with four wheels. Quintilian says that it is a Gallic word (Hor. Sat. ii. 6, v. 42, and the note, Macleane's ed.).—'qui .. apparasset:' as the prosecutor said (Halm).

paenulatus] A 'paenula' is a cloak for rain or travelling.—'magno et impedito:' some editions have 'vulgi magno impedimento,' and others 'magno impedimento.' 'Impeditus' and 'expeditus' are words used by military writers.—'puerorum:' see c. 21.

hora fere undecima] Or 'pretty nearly,' as he adds, meaning 'earlier' not 'later.' According to Cicero, it was then a little before sunset. Quintilian (vi. 3, 49), where he is giving an instance of Amphibolia (double sense), says: "Quum objiceret Miloni accusator in argumentum factarum Clodio insidiarum, Quod Bovillas ante horam nonam devertisset, ut expectaret dum Clodius a villa sua exiret, et identidem interrogaret Quo tempore Clodius occisus esset? respondit Cicero, Sero" (late, and too late). This seems to show, as Osenbrüggen says (quoted by Halm), that it had been proved that the ninth hour was the time, which Cicero purposely makes later. Asconius, who may be Quintilian's authority, says 'circa horam nonam' (Introd.). Asconius also says that Clodius' body was brought to Rome 'ante primam noctis horam,' which could not have been done, as Halm observes, if Cicero's story is true, for Bovillae, the first station on the Via Appia, near the present Osteria delle Fratocchie, was ten Roman miles from Rome.

servi Milonis] Ernesti, Ravius, Bakius think that these are the words of a glossator (Baiter). But Baiter is not of this opinion, and he refers to Halm's edition, who explains 'servi.' The objection made to 'servi' is this,—after 'qui animo,' &c., we do not expect the subject to the verb 'fecerunt' to be mentioned, for it is already included in 'qui.' But men must have very little judgment and no taste, who cannot perceive the propriety of the expres-

non derivandi criminis caussa, sed ut factum est—neque imperante neque sciente neque praesente domino, quod suos quisque servos in tali re facere voluisset. XI. Haec, sicut exposui, ita gesta sunt, judices: insidiator superatus est, vi victa vis, vel potius oppressa virtute audacia est. Nihil dico quid res publica consecuta sit, nihil quid vos, nihil quid omnes boni; nihil sane id prosit Miloni, qui hoc fato natus est ut ne se quidem servare potuerit quin una rem publicam vosque servaret. Si id jure fieri non potuit, nihil habeo quod defendam. Sin hoc et ratio doctis, et necessitas barbaris, et mos gentibus, et feris [etiam belluis] natura ipsa praescripsit, ut omnem semper vim quacumque ope possent a corpore, a capite, a vita sua propulsarent, non potestis hoc facinus improbum judicare, quin simul judicetis omnibus, qui in latrones inciderint, aut illorum telis aut vestris sententiis esse pereundum. Quod si ita putasset, certe optabilius Miloni fuit dare jugulum P. Clodio, non semel ab illo neque tum primum petitum, quam jugulari a vobis, quia se non jugulandum illi tradidisset. Sin hoc nemo vestrum ita sentit, non illud jam in judicium venit, occisusne sit, quod fatemur, sed jure an injuria, quod multis in caussis [jam] saepe quaesitum est. Insidias factas esse constat, et id est, quod senatus contra rem publicam factum judicavit: ab utro factae sint incertum est. De hoc igitur latum est ut quaereretur. Ita et senatus rem, non hominem, notavit, et Pompeius de jure, non de facto quaestionem tulit. XII. Numquid igitur aliud in judicium venit, nisi uter utri insidias fecerit? Profecto nihil: Si hic illi, ut ne sit impune; si ille huic, ut nos scelere solvamur.

Quonam igitur pacto probari potest insidias Miloni fecisse Clo-

sion 'servi Milonis.' Quintilian says (iv. 2. 121), "Ne sententia quidem velut fatigatum intentione stomachum judicis reficere dissuaserim, maxime quidem brevi interjecta, qualis est illa, Fecerunt servi Milonis . . voluisset."

11. [*etiam belluis*]] 'P. om. T. E. S.' (Baiter.)

[*jam*] *saepe*] T; 'saepe' P. E.; 'jam' S.

Insidias factas esse constat] So he says; but as far as we can learn, it seems that the meeting was accidental. He puts it thus; either Clodius had formed a design against Milo, or Milo against Clodius.

12. *Quonam igitur*] Here the orator begins his argumentation, which is founded on notorious facts. Halm refers to the Auctor ad Herennium (ii. 2). This is a 'caussa conjecturalis,' one in which we must attempt to draw a conclusion from certain facts, and here the conclusion is to be whether Milo or Clodius formed a design to assassinate, for he has assumed that either one or the other did. He has left out the possible case that both might be guilty, and, as I have remarked, the possible case that neither was guilty of a design to kill. The Auctor, speaking of this part of an oration at which we have arrived, says, "Hujus constitutionis ratio in sex partes est distributa: probabile, collationem, signum, argumentum, consecutionem, approbationem.—Probabile est per quod probatur expedisse reo peccare et ab simili turpitudine hominem numquam abfuisse. Id dividitur in caussam et in vitam." This part, the 'probabile ex caussa et ex vita,' extends to the words 'aut per leges liceret,' c. 16.

dium? Satis est in illa quidem tam audaci, tam nefaria bellua, docere magnam ei caussam, magnam spem in Milonis morte propositam, magnas utilitates fuisse. Itaque illud Cassianum, Cui bono fuerit, in his personis valeat, etsi boni nullo emolumento impelluntur in fraudem, improbi saepe parvo. Atqui Milone interfecto Clodius haec assequebatur, non modo ut praetor esset non eo consule, quo sceleris facere nihil posset, sed etiam ut iis consulibus praetor esset, quibus si non adjuvantibus, at conniventibus certe speraret se posse eludere in illis suis cogitatis furoribus; cujus illi conatus, ut ipse ratiocinabatur, nec si possent reprimere cuperent, quum tantum beneficium ei se debere arbitrarentur, et si vellent fortasse vix possent frangere hominis sceleratissimi corroboratam jam vetustate audaciam. An vero, judices, vos soli ignoratis, vos hospites in hac urbe versamini, vestrae peregrinantur aures neque in hoc pervagato civitatis sermone versantur, quas ille leges, si leges nominandae sunt, ac non faces urbis et pestes rei publicae, fuerit impositurus nobis omnibus atque inusturus? Exhibe, quaeso, Sexte Clodi, exhibe librarium illud legum vestrarum, quod te aiunt eripuisse e domo et ex mediis armis turbaque nocturna tamquam Palladium sustulisse, ut praeclarum videlicet munus atque instrumentum tribunatus ad aliquem, si nactus esses qui tuo arbitrio tribunatum gereret, deferre posses. Atque per * * *. An hujus ille legis, quam Clodius a se inventam gloriatur, mentionem facere ausus esset vivo Milone, non dicam consule? De nostrum enim omnium—non audeo totum dicere. Videte quid ea vitii lex

Cassianum, Cui bono] See Pro Rosc. Amerino, c. 30, and the note.—'assequebatur:' Halm asks why not 'assecutus est?' I believe there are like passages in which the perfect is used, but we cannot mistake the meaning whether it is one tense or the other. Halm compares 'ad illa . . . veniebat,' c. 16.

eludere] Many editions, modern and old, have 'rem publicam eludere.' Baiter says nothing about 'rem publicam.'

nec . . . cuperent] 'nec si cuperent reprimere possent' T. E. S. Baiter, following Madvig, has 'nec cuperent reprimere si possent.' Shortly after there is 'et si vellent,' &c.

librarium] This word seems to mean the same as 'scrinium' or 'capsa.' Sex. Clodius is called 'scriba' in Asconius' Introduction. See Vol. iii., Index, Sex. Clodius.

eripuisse . . . Palladium] This, says Halm, is rhetorical exaggeration, for no attack had been made on Clodius' house. The allusion to the Palladium he also remarks, is to the Palladium brought to Italy by Aeneas, which was saved by L. Caecilius Metellus from Vesta's burning temple.

instrumentum] A stock in trade, as we should say, materials, capital for managing a farm or a business. See Vol. i., Index, Instrumentum.

Atque per . . . reprehensio est] These words are found in no MS. The Schol. Ambros. ad Or. de aere alieno Milonis, has "Atque per . . . . de nostrorum (sic) omnium—non audeo totum dicere. Videte quid ea vitii lex habitura fuerit, cujus periculosa etiam repreheusio est." Quintilian (ix. 2, 54) has 'An hujus . . . totum dicere.' Peyron (says Halm) inserted the words between 'Atque per' and 'reprehensio.—' De nostrum omnium:' Halm asks how the ἀποσιώπησις is to be supplied?

habitura fuerit, cujus periculosa etiam reprehensio est. Et aspexit me illis quidem oculis, quibus tum solebat quum omnibus omnia minabatur. Movet me quippe lumen curiae. XIII. Quid, tu me tibi iratum, Sexte, putas, cujus tu inimicissimum multo crudelius etiam punitus es quam erat humanitatis meae postulare? Tu P. Clodii cruentum cadaver ejecisti domo, tu in publicum abjecisti; tu spoliatum imaginibus, exsequiis, pompa, laudatione, infelicissimis lignis semiustulatum, nocturni scanibus dilaniandum reliquisti. Quare etsi nefarie fecisti, tamen, quoniam in meo inimico crudelitatem exprompsisti tuam, laudare non possum, irasci certe non debeo.

* * fuerit occidi Milonem; convertite animos nunc vicissim ad Milonem. Quid Milonis intererat interfici Clodium? Quid erat cur Milo, non dicam admitteret, sed optaret?—Obstabat in spe consulatus Miloni Clodius.—At eo repugnante fiebat, immo vero eo fiebat magis, nec me suffragatore meliore utebatur quam Clodio. Valebat apud vos, judices, Milonis erga me remque publicam meritorum memoria, valebant preces et lacrimae nostrae, quibus ego tum vos mirifice moveri sentiebam, sed plus multo valebat periculorum impendentium timor. Quis enim erat civium, qui sibi solutam P. Clodii praeturam sine maximo rerum novarum metu proponeret? Solutam autem fore videbatis, nisi esset is consul qui eam auderet possetque constringere. Eum Milonem unum esse quum sentiret universus populus Romanus, quis dubitaret suffragio suo se metu, periculo rem publicam liberare? At nunc, Clodio remoto, usitatis jam rebus enitendum est Miloni ut tueatur dignitatem suam; singularis illa [et] huic uni concessa gloria, quae quotidie augebatur frangendis furoribus Clodianis, jam Clodii morte cecidit. Vos

lumen curiae] "Hoc est Sex. Clodius, quem in argumento hujus orationis diximus corpus Clodii in curiam attulisse et ibi cremasse, eoque inceneo curiam conflagrasse; ideo lumen curiae dixit" (Ascon.). The last words 'movet me,' &c., must be connected with those which immediately follow in the next chapter.

13. *punitus es*] This deponent often occurs in Cicero. T. has 'penitus.' Cicero addresses the man familiarly, 'Sexte.'

imaginibus] The words 'robbed of his imagines' being connected with the mention of the funeral ceremonies, mean that the 'imagines' of his ancestors were not carried in his funeral pomp, which was the fashion.—'infelicissimis:' because they were applied to an unlucky or wretched purpose, as a tree was called 'infelix' on which a man was hanged (Livy i. 26). (Abrami.)

Cicero says 'semiustulatum,' 'half burnt,' to leave room for the rhetorical formula, 'nocturnis canibus dilaniandum.'

* * *fuerit occidi*] Baiter prefixes to these words '*Audistis, judices, quantum Clodii inter*fuerit.' He observes that the words 'Audistis . . . qui sibi solutam' are wanting in the MSS. of Cicero. In the editions the text runs thus: 'irasci certe non debeo. P. Clodii praeturam non sine maximo rerum novarum metu proponi, et solutam fore videbatis.' Baiter says, "Inter verba *debeo* et *P. Clodii* in E. superscriptum est: *deest*. Lacunam explevit Peyronus e codice P., qui habet verba *fuerit occidi* . . . *jam illum na*" (c. 14).

Solutam] This is explained by 'constringere' which follows. The 'consul' as a superior magistrate could check a praetor.

adepti estis ne quem civem metueretis: hic exercitationem virtutis, suffragationem consulatus, fontem perennem gloriae suae perdidit. Itaque Milonis consulatus, qui vivo Clodio labefactari non poterat, mortuo denique temptari coeptus est. Non modo igitur nihil prodest, sed obest etiam Clodii mors Miloni.—At valuit odium, fecit iratus, fecit inimicus, fuit ultor injuriae, punitor doloris sui. Quid, si haec, non dico majora fuerunt in Clodio quam in Milone, sed in illo maxima, nulla in hoc, quid vultis amplius? Quid enim odisset Clodium Milo, segetem ac materiem suae gloriae, praeter hoc civile odium quo omnes improbos odimus? Ille erat ut odisset, primum defensorem salutis meae, deinde vexatorem furoris, domitorem armorum suorum, postremo etiam accusatorem suum: reus enim Milonis lege Plotia fuit Clodius quoad vixit. Quo tandem animo hoc tyrannum illum tulisse creditis? quantum odium illius et in homine injusto quam etiam justum fuisse?

XIV. Reliquum est ut jam illum natura ipsius consuetudoque defendat, hunc autem haec eadem coarguant.—Nihil per vim umquam Clodius, omnia per vim Milo.—Quid ergo, judices, quum maerentibus vobis urbe cessi, judiciumne timui, non servos, non arma, non vim? Quae fuisset igitur justa caussa restituendi mei, nisi fuisset injusta ejiciendi? Diem mihi, credo, dixerat, mulctam irrogarat, actionem perduellionis intenderat; et mihi videlicet in caussa aut mala aut mea, non et praeclarissima et vestra, judicium timendum fuit. Servorum et egentium civium et facinorosorum armis meos cives, meis consiliis periculisque servatos, pro me objici nolui. Vidi enim, vidi, hunc ipsum Q. Hortensium, lumen et orna-

fontem ... gloriae] Quintilian (viii. 6, 7): "Cicero pro Milone Clodium *fontem gloriae* ejus vocat et alio loco *segetem ac materiem*."

At valuit odium] "The second part of the *probabile ex caussa*" (Halm).—'Ille erat ut:' 'ille' is Clodius.

lege Plotia] De vi. See the Introduction.—'injusto:' some printed books have 'justo,' a printer's mistake, I suppose. Cicero is playing on the words: 'how great his (Clodius') hatred, and in an unjust man how just;' what good reasons he had for it.

14. *Reliquum est*] Here begins the 'probabile ex vita,' which, with the Roman orators, generally appears at the beginning of the proof, while the Greeks generally put it after (Halm).—'jam illum:' Clodius. He is speaking ironically.

Diem mihi, credo, dixerat] He is speaking ironically, as the context shows, and the facts of the case tell us. See Pro Sestio, c. 44, note on 'diem dicere.' 'Mulctam irrogare' means the proposing of a Rogatio to the Populus for the purpose of imposing a pecuniary penalty on a person. It was a 'judicium populi.' Since the establishment of the Quaestiones perpetuae (B.C. 149) the Comitia Centuriata only exercised a 'judicium' in those Caussae capitales in which there was no Quaestio perpetua; and Perduellio was one of these cases (Vol. i. JUDICIA). Clodius had not commenced proceedings against Cicero, but he had threatened him by the terms of his Lex, 'Qui civem Romanum indemnatum interemisset,' for what the senate had done, on Cicero's advice, in the matter of Catilina's associates, who were put to death contrary to Roman law without a trial.

Hortensium ... quum mihi adesset] Hortensius in B.C. 58 joined the Equites,

mentum rei publicae, paene interfici servorum manu, quum mihi adesset; qua in turba C. Vibienus senator, vir optimus, cum hoc quum esset una, ita est mulctatus ut vitam amiserit. Itaque quando illius postea sica illa quam a Catilina acceperat conquievit? Haec intentata nobis est, huic ego vos objici pro me non sum passus, haec insidiata Pompeio est, haec istam Appiam monumentum sui nominis nece Papirii cruentavit, haec eadem, longo intervallo conversa rursus est in me; nuper quidem, ut scitis, me ad regiam paene confecit. Quid simile Milonis? cujus vis omnis haec semper fuit, ne P. Clodius, quum in judicium detrahi non posset, vi oppressam civitatem teneret. Quem si interficere voluisset, quoties et quantae occasiones, quam praeclarae fuerunt. Potuitne, quum domum ac deos penates suos illo oppugnante defenderet, jure se ulcisci? potuitne cive egregio et viro fortissimo P. Sestio collega suo vulnerato? potuitne Q. Fabricio viro optimo quum de reditu meo legem ferret pulso, crudelissima in foro caede facta? potuitne L. Caecilii justissimi fortissimique praetoris oppug-

who went to the senate and to Gabinius to intercede for Cicero against Clodius (Pro Sestio, c. 11, 12, and the notes). Halm observes that Dion Cassius (38, c. 16) who speaks of this deputation to the senate, says nothing of Vibienus, nor does Cicero in the Pro Sestio (c. 11, 12), where "he certainly would not have failed to complain of the crime." This is an unsafe way of getting at a conclusion. Halm further remarks that a senator named C. Vibienus was crushed to death in the crowd which collected about Clodius' body (Ascon. Introd.): "Accordingly we are easily led to assume that the mention of this name is owing either to an intentional or an involuntary error of Cicero." This is not a satisfactory explanation. Cicero could not misstate so notorious a fact, nor forget it.

Haec intentata] "Manifestum est pertinere ad id tempus, quo post rogationem a P. Clodio in eum promulgatam urbe cessit" (Ascon.).—'Pompeio . . . Papirii:' see c. 7.—'longo intervallo:' five years later (B.C. 53), when Cicero supported Milo in his canvas for the consulship (Halm).

ad regiam] "Videtur mihi loqui de eo die, quo consulibus Domitio et Messalla, qui praecesserant eum annum quum haec oratio dicta est, inter candidatorum Hypsaei et Milonis manus in sacra via pugnatum est, multique Milonis ex improviso ceciderunt. De cujus *diei* caede et periculo suo ut putem loqui eum facit et locus pugnae—nam in sacra via traditur commissa, in qua est regia—et quod assidue simul erant cum candidatis suffragatores, Milonis Cicero, Hypsaei Clodius" (Ascon.). The Atrium Vestae or Atrium Regium, sometimes called Regia, was near to the temple of Vesta, and bordering on the Forum at the point where the Sacra Via led to it. Servius, Ad Aen. viii. 363, says: "Quis enim ignorat Regiam ubi Numa habitaverit in radicibus Palatii finibusque Romani fori esse" (Becker, Alterthüm i. p. 223). See Pro Caecina, c. 5, and the note on 'conciti ad rixam.'

domum] This attack on Milo's house by Clodius is described by Cicero Ad Att. iv. 3, 3. See also Pro Sestio, c. 35. 37. 41, where we have the story about Sestius and Fabricius, and those turbulent times just before Cicero's restoration.

L. Caecilii] "qui fuit praetor . . . quo anno Cicero restitutus est. Is quum faceret ludos Apollinares, ita infima coacta multitudo annonae caritate tumultuata est ut omnes, qui in theatro spectandi caussa consederant, pellerentur. De oppugnata domo nusquam adhuc legi. Pompeius tamen, quum defenderet Milonem apud populum de vi accusante Clodio, objecit, ut legimus apud Tironem libertum Ciceronis, in libro iiii. de vita ejus, oppressum a Clodio L. Caecilium praetorem" (Ascon.).

nata domo? potuitne illo die, quum est lata lex de me? quum totius Italiae concursus, quem mea salus concitarat, facti illius gloriam libens agnovisset, ut, etiamsi id Milo fecisset, cuncta civitas eam laudem pro sua vindicaret? XV. At quod erat tempus? Clarissimus et fortissimus consul, inimicus Clodio, P. Lentulus, ultor sceleris illius, propugnator senatus, defensor vestrae voluntatis, patronus illius publici consensus, restitutor salutis meae: septem praetores, octo tribuni plebis illius adversarii, defensores mei: Cn. Pompeius auctor et dux mei reditus, illius hostis, cujus sententiam senatus omnis de salute mea gravissimam et ornatissimam secutus est; qui populum Romanum cohortatus est; qui, quum de me decretum Capuae fecisset, ipse cunctae Italiae cupienti et ejus fidem imploranti signum dedit ut ad me restituendum Romam concurrerent; omnia tum denique in illum odia civium ardebant desiderio mei, quem qui tum interemisset, non de impunitate ejus sed de praemiis cogitaretur. Tamen se Milo continuit, et P. Clodium in judicium bis, ad vim numquam vocavit. Quid, privato Milone et reo ad populum accusante P. Clodio, quum in Cn. Pompeium pro Milone dicentem impetus factus est, quae tum non modo occasio, sed etiam caussa illius opprimendi fuit? Nuper vero quum M. Antonius summam spem salutis bonis omnibus attulisset,

illo die] The fourth of August, B.C. 57. (See Vol. iii. p. 295.)

15. *P. Lentulus*] One of the consuls of B.C. 57. See Vol. iii. p. 295. All this about Lentulus, the Praetors, and Cn. Pompeius, is in the spurious orations Quum Senatui, &c., and in the oration Pro Sestio (Vol. iii.), and there is something about Pompeius in the In Pison. c. 15.

senatus omnis] E. omits 'omnis:' "recte, ut opinor, *Totum* et *universum senatum* dici memini: sed requiro exemplum quo dicatur *omnis senatus* eadem sententia, nec dici potuisse puto" (Bake). I do not understand the nature of the critic's difficulty. One example may be enough: "Itaque omni senatu necato reliquos sub corona vendidit" (Caesar, B. G. ii. 16).

decretum Capuae] See In Pison. c. 11. As to the condition of Capua at this time, see Pro Sestio, c. 4, and the notes.—'fecisset:' T. S.; 'fecit' E.—'ejus fidem:' "a rare deviation from the usual form of expression for *suam fidem*, which can only be used in parts of a sentence which are abbreviated subordinate sentences (= quum ejus fidem imploravit)" (Halm). He refers for examples to the Pro Sulla, c. 29, and the note. In such a case as this the Romans certainly did not use 'suam.'—'omnia tum:' T. E.; 'omnium,' Heumannus, Halm, Baiter. Perhaps the correction is right.

in judicium bis] Only one attempt by Milo to prosecute Clodius De vi is known, though Cicero says 'twice' here. See the Introduction, where this attempt to prosecute Clodius for his attack on Milo's house and other acts of violence, B.C. 57, are mentioned.—'privato Milone:' he was a private man after retiring from his office of tribune on the 10th of December, B.C. 57 (Halm).

reo ad populum] In B.C. 56. Cicero (Ad Q. Fr. ii. 3) speaks of this affair. See the Introd. — 'impetus:' Cicero says, "Dixit Pompeius, sive voluit; nam ut surrexit, operae Clodianae (Clodius' hired fellows) clamorem sustulerunt. — H. fere ix. quasi signo dato Clodiani nostros consputare coeperunt. Exarsit dolor. Urgere illi ut loco nos moverent. Factus est a nostris impetus, fuga operarum. Ejectus de rostris Clodius: ac nos quoque tum fugimus ne quid in turba" (Ad Q. Fr. ii. 3, § 2).

M. Antonius] The man who afterwards took Cicero's head from his shoulders. Halm refers to Philipp. ii. c. 9, where the same story is told.

gravissimamque adolescens nobilissimus rei publicae partem fortissime suscepisset, atque illam belluam, judicii laqueos declinantem, jam irretitam teneret, qui locus, quod tempus illud, dii immortales, fuit! Quum se ille fugiens in scalarum tenebras abdidisset, magnum Miloni fuit conficere illam pestem nulla sua invidia, M. vero Antonii maxima gloria. Quid, comitiis in campo quoties potestas fuit? quum ille vi in septa ruisset, gladios destringendos, lapides jaciendos curavisset, deinde subito vultu Milonis perterritus fugeret ad Tiberim, vos et omnes boni vota faceretis ut Miloni uti virtute sua liberet?

XVI. Quem igitur cum omnium gratia noluit, hunc voluit cum aliquorum querela? quem jure, quem loco, quem tempore, quem impune non est ausus, hunc injuria, iniquo loco, alieno tempore, periculo capitis, non dubitavit occidere? praesertim, judices, quum honoris amplissimi contentio et dies comitiorum subesset, quo quidem tempore—scio enim quam timida sit ambitio quantaque et quam solicita sit cupiditas consulatus—omnia non modo quae reprehendi palam, sed etiam quae obscure cogitari possunt, timemus, rumorem, fabulam fictam, levem perhorrescimus, ora omnium atque oculos intuemur. Nihil est enim tam molle, tam tenerum, tam aut fragile aut flexibile quam voluntas erga nos sensusque civium, qui non modo improbitati irascuntur candidatorum, sed etiam in recte factis saepe fastidiunt. Hunc diem igitur campi speratum atque exoptatum sibi proponens Milo cruentis manibus scelus et facinus prae se ferens et confitens ad illa augusta centuriarum auspicia veniebat? Quam hoc non credibile in hoc, quam idem in Clodio non dubitandum, qui se interfecto Milone regnaturum putaret. Quid, quod

tenebras] 'tenebris' T. S². Baiter. The Romans could use either expression. Caesar (B. G. i. 13) has "reliqui sese . . . in proximas silvas abdiderunt," where 'silvis' would not do. Here it may be said that 'in scalarum tenebris abdidisset' is somewhat different; like "abditi in silvis latebant" (Caesar, B. G. ii. 19).

septa] T. E.; 'saepta' Baiter. The 'septa,' the enclosed places used at the voting at the Comitia.—'ruisset:' T. E.; 'irrupisset' C. S.

16. *Quem igitur . . . occidere?*] Quoted by Quintilian, v. 14, 3, as an example of one of the modes of proof: "*ex pugnantibus* vero, quod etiam solum Enthymema quidam vocant, fortior multo probatio est. Tale est Ciceronis pro Milone: Ejus igitur mortis sedetis ultores cujus vitam, si putetis per vos restitui posse, nolitis.—Quod quidem etiam aliquando multiplicari solet ut est ab eodem et pro eodem reo factum: Quem igitur," &c.

in recte factis] 'When they do what is right, the people are often dissatisfied with them.' 'Fastidire' is used absolutely. Sometimes it has an accusative, as in Horace, Ep. i. 3, v. 11, and elsewhere,

"Fastidire lacus et rivos ausus apertos."

augusta] The Comitia were held 'auspicato,' conformably to the auspices, and not against them. 'Augustus' is the participial form of 'augur.' A murderer with his bloody hands could not show himself at the Comitia, as Cicero means to say.

qui se] S.; 'quin se ille' T. E. W.; 'cum se ille,' Baiter, following a suggestion of Halm.—'[audaciae]:' some critics don't like the word here, and it seems to damage the sense.

caput est [audaciae], judices, quis ignorat maximam illecebram esse peccandi impunitatis spem? In utro igitur haec fuit? In Milone, qui etiam nunc reus est facti aut praeclari aut certe necessarii, an in Clodio, qui ita judicia poenamque contempserat, ut eum nihil delectaret, quod aut per naturam fas esset aut per leges liceret?

Sed quid ego argumentor? quid plura disputo? Te, Q. Petili, appello, optimum et fortissimum civem; te, M. Cato, testor; quos mihi divina quaedam sors dedit judices. Vos ex M. Favonio audistis Clodium sibi dixisse, et audistis vivo Clodio periturum Milonem triduo. Post diem tertium gesta res est quam dixerat. Quum ille non dubitaret aperire quid cogitaret, vos potestis dubitare quid fecerit? XVII. Quemadmodum igitur eum dies non fefellit? Dixi equidem modo. Dictatoris Lanuvini stata sacrificia nosse negotii nihil erat. Vidit necesse esse Miloni proficisci Lanuvium illo ipso quo est profectus die. Itaque antevertit. At quo die? quo, ut ante dixi, fuit insanissima contio ab ipsius mercenario tribuno plebis concitata; quem diem ille, quam contionem, quos clamores, nisi ad cogitatum facinus approperaret, numquam reliquisset. Ergo illi ne caussa quidem itineris, etiam caussa manendi: Miloni manendi nulla facultas, exeundi non caussa solum sed etiam necessitas fuit. Quid, si, ut ille scivit Milonem fore eo die in via, sic Clodium Milo ne suspicari quidem potuit? Primum quaero qui scire potuerit? quod vos idem in Clodio quaerere non potestis. Ut enim neminem alium nisi T. Patinam familiarissimum suum rogasset, scire potuit illo ipso die Lanuvii a dictatore Milone prodi flaminem necesse esse. Sed erant permulti alii ex quibus id facillime scire posset, [omnes scilicet

Sed quid ego] Here begins the examination of the 'signa' and 'argumenta' in their narrower sense (Halm): who quotes the Auctor ad Herennium (ii. c. 4), who defines the 'signum' thus: "signum est per quod ostenditur idonea perficiendi facultas esse quaesita." He divides the 'signum' into six parts: "locus, tempus, spatium, occasio, spes perficiendi, spes celandi." See also Pro Caelio, c. 9, on Signa.

vivo Clodio] Halm asks why Cicero lays any stress on this? Halm often asks questions without answering them. I suppose it is a way of saying that there is a difficulty, or a way of directing attention to the peculiar meaning of a word; I do not know which. Here there is no difficulty. Cicero appeals to two of the Judices to bear witness that they had heard from Favonius what Clodius said about Milo, and they heard it while Clodius was still alive, and not since his death. It was not a thing invented since Clodius' death.

17. *At quo die?*] The day of Clodius' death. "Sunt autem contionati eo die, ut ex actis apparet, C. Sallustius et Q. Pompeius, utrique et inimici Milonis et satis inquieti: Sed videtur mihi Q. Pompeium significare; nam ejus seditiosior fuit contio" (Ascon.).

fuit insanissima] There was a very turbulent meeting. Abrami reminds us that the 'furores tribunitii' and the 'populares insaniae' are often spoken of by the Latin writers; and that Virgil, Georg. ii. 502, has

"Insanumque forum aut populi tabularia vidit."

scire posset] The words 'omnes scilicet Lanuvini' are in T. E. S. Lambinus

Lanuvini.] Milo de Clodii reditu unde quaesivit? Quaesierit sane —videte quid vobis largiar—servum etiam, ut Arrius meus amicus dixit, corruperit. Legite testimonia testium vestrorum. Dixit C. Cassinius Schola, Interamnas, familiarissimus et idem comes [P.] Clodii, cujus jam pridem testimonio Clodius eadem hora Interamnae fuerat et Romae, P. Clodium illo die in Albano mansurum fuisse, sed subito ei esse nuntiatum Cyrum architectum esse mortuum, itaque Romam repente constituisse proficisci. Dixit hoc comes item P. Clodii C. Clodius. XVIII. Videte, judices, quantae res his testimoniis sint confectae. Primum certe liberatur Milo non eo consilio profectus esse ut insidiaretur in via Clodio; quippe, si ille obvius ei futurus omnino non erat. Deinde, non enim video cur non meum quoque agam negotium, scitis, judices, fuisse qui in hac rogatione suadenda dicerent, Milonis manu caedem esse factam, consilio vero majoris alicujus. Me videlicet latronem ac sicarium abjecti homines et perditi describebant. Jacent suis testibus [ii] qui Clodium negant eo die Romam nisi de Cyro audisset fuisse rediturum. Respiravi, liberatus sum, non vereor, ne, quod ne suspicari quidem potuerim, videar id cogitasse. Nunc persequar cetera. Nam occurrit illud: Igitur ne Clodius quidem de insidiis cogitavit, quoniam fuit in Albano mansurus.—Si quidem exiturus ad caedem e villa non fuisset. Video enim illum, qui dicatur de Cyri morte nuntiasse, non id nuntiasse, sed Milonem appropinquare.

suspected the words. They weaken what Cicero has said, and if he did write them, he ought not to have written them. It is better to leave the 'permulti' vaguely conceived, than to specify the inhabitants of a small town from whom Clodius could not learn Milo's movements so well as he might learn them at Rome.

Legite testimonia] The evidence which was already heard and taken down in writing. This Cassinius was the man who, on the occasion of Clodius' trial for violating the mysteries of the Bona Dea, bore testimony that Clodius was at Interamna at the same hour when Cicero himself proved that he had seen Clodius in Rome. Cicero alludes to his own evidence in a letter to Atticus (i. 16).

Cyrum] A Greek architect whom Cicero speaks of several times (Ad Att. ii. 3; Ad Fam. vii. 11).

18. *liberatur*] Halm remarks that 'liberatur' has the same construction as 'dicitur,' because the 'liberatio' was founded on what witnesses had said. He compares 'fecisse defenditur' (De Invent. ii. c. 32). Compare also Pro C. Rabirio, c. 4, 'defendo servari oportere,' and the note.

quippe, si ille] Halm writes 'quippe? si ille.' In some printed editions there is 'quippe qui ei,' but it does not appear that the MSS. have any thing different from the text. In the Pro Caecina, c. 19, 'quippe' is an answer to a question. See also Pro Murena, c. 30, Vol. iii., and Pro Plancio, c. 22, and the note.—'in hac rogatione suadenda:' 'when the Rogatio was recommended to the people,' the Rogatio for regulating Milo's trial.—'[ii] qui:' S.; 'hi qui' T. E. If 'qui' refers to 'testibus,' as Halm says, then 'ii' or 'hi' spoils the sentence.

Respiravi, liberatus sum] Quintilian ix. 2, 26.—'occurrit illud:' 'there is this objection made by our opponents, Igitur ne . . . mansurus.'—'Si quidem,' &c. is Cicero's remark: 'Yes, but he may have intended to leave the villa to kill Milo.' 'Your remark is true, if he did intend to stay in his Albanum; but he did not.'

Nam quid de Cyro nuntiaret quem Clodius Roma proficiscens reliquerat morientem? Una fui, testamentum simul obsignavi cum Clodio: testamentum autem palam fecerat, et illum heredem et me scripserat. Quem pridie hora tertia animam efflantem reliquisset, eum mortuum postridie hora decima denique ei nuntiabatur? XIX. Age, sit ita factum: quae caussa cur Romam properaret, cur in noctem se conjiceret? Quid afferebat festinationis quod heres erat? Primum erat nihil cur properato opus esset; deinde, si quid esset, quid tandem erat quod ea nocte consequi posset, amitteret autem, si postridie mane Romam venisset? Atque ut illi nocturnus ad urbem adventus vitandus potius quam expetendus

Una . . . simul] Charisius, p. 197: "*Una* locum, *simul* vero spatium designat: recteque itaque dicimus: *simul consules fuerunt, una ambulabant*" (Halm).

testamentum . . . obsignavi] See Pro Cluentio, c. 13, and the note. On 'palam fecerat' Halm quotes Ulpian (Dig. 28. 1. 21): "Heredes palam ita ut exaudiri possint nuncupandi sunt. Licebit ergo testanti vel nuncupare heredes vel scribere, sed si nuncupat palam debet. Quid est palam? Non utique in publicum, sed ut exaudiri possit, exaudiri autem non ab omnibus, sed a testibus; et si plures fuerint testes adhibiti, sufficit solemnem numerum exaudire." Ulpian in this passage informs us that a testament might be made either orally, what we call a nuncupative will, or in writing. The 'nuncupatio' in Gaius (ii. 104), however, simply means the testator's general acknowledgment of the written testament as his testament. But written wills were more common. Cicero means that Cyrus had named his 'heredes' to the witnesses, and made a written will too. It was not necessary that the witnesses to a Roman will should know what was in it, nor is it necessary in an English will or testament. A novel of Theodosius, A.D. 439, De Testamentis, shows that the practice had been changed, and it had become the rule that the witnesses should know what was in the will; a rule which would prevent many persons from making a will now, as it did then. The novel of Theodosius brought back the old rule.

Cicero was both a witness to Cyrus' will and 'heres scriptus.' The old Roman law had some limitations as to the capacity of witnesses (Gaius, ii. 105), but it did not exclude all 'heredes' from being witnesses. This however was changed: "Sed neque heres scriptus neque is qui in potestate ejus est neque pater ejus qui habet eum in potestate neque fratres qui in ejusdem patris potestate sunt, testes adhiberi possunt, quia totum hoc negotium, quod agitur testamenti ordinandi gratia, creditur hodie inter heredem et testatorem agi" (Justin. Instit. ii. 10, § 10). This is explained by the corresponding passage in Gaius (ii. 105): "quia . . . totum hoc negotium, quod agitur testamenti ordinandi gratia creditur inter familiae emptorem agi et testatorem." In Gaius' time either the 'heres' or the legatee (legatarius) could be a witness; but Gaius adds (ii. 108): "sed tamen quod ad heredem pertinet quique in ejus potestate est cujusve is in potestate erit, minime hoc jure uti debemus." As the 'familiae emptor' could not in the old time be a witness, and as in the praetorian testament the 'familiae emptor' was not used, so it became the rule, and it was a consistent rule, to apply to the 'heres' what had formerly applied to the 'familiae emptor.' The English law declares that gifts made by a will to attesting witnesses or their wives or husbands are void.

hora decima] This agrees with the time named in c. 10. Cicero does not directly say that Cyrus died the day before. He merely says that Clodius left him dying. Yet he wishes us to infer that he did die the day before. Halm wishes to know why the circumstance of the will being made 'palam' rendered any hurry on Clodius' part unnecessary? If this is Cicero's meaning, I suppose he means to say that Clodius knew that he was 'heres,' and if he had not known it, he might have hurried to Rome to learn what Cyrus had done with his property. But he did know it, and therefore there was no reason for this hasty return.

19. *Age, sit ita factum*] Let it be as they say, that the messenger did take to Clodius the news of Cyrus' death.

fuit, sic Miloni, quum insidiator esset, si illum ad urbem noctu accessurum sciebat, subsidendum atque exspectandum fuit. [Noctu occidisset, insidioso et pleno latronum in loco occidisset.] Nemo ei neganti non credidisset, quem esse omnes salvum etiam confitentem volunt. Sustinuisset hoc crimen primum ipse ille latronum occultator et receptor locus, quum neque muta solitudo indicasset neque caeca nox ostendisset Milonem; deinde ibi multi ab illo violati, spoliati, bonis expulsi, multi haec etiam timentes in suspicionem caderent; tota denique rea citaretur Etruria. Atque illo die certe Aricia rediens devertit Clodius [ad se] ad Albanum. Quod ut sciret Milo illum Ariciae fuisse, suspicari tamen debuit eum, etiamsi Romam illo die reverti vellet, ad villam suam quae viam tangeret deversurum. Cur neque ante occurrit ne ille in villa resideret, nec eo in loco subsedit quo ille noctu venturus esset?

Video adhuc constare omnia, judices: Miloni etiam utile fuisse Clodium vivere, illi ad ea quae concupierat optatissimum interitum Milonis; odium fuisse illius in hunc acerbissimum, nullum hujus in illum; consuetudinem illius perpetuam in vi inferenda, hujus tantum in repellenda; mortem ab illo denuntiatam Miloni et praedicatam palam, nihil umquam auditum ex Milone; profectionis hujus diem illi notum, reditum illius huic ignotum fuisse; hujus iter necessa-

Noctu . . . occidisset] These words are wanting in all the MSS., except perhaps in two which Baiter cites, and in the old editions. Asconius remarks on the words 'Atque ut illi . . . subsidendum:' "Via Appia est prope urbem monumentum Basili, qui locus latrociniis fuit perinfamis, quod ex aliis quoque multis intelligi potest." Halm refers to Cicero, Ad Att. vii. 9: "L. Quintius familiaris meus ad bustum Basili vulneratus et spoliatus est."

Sustinuisset hoc] The place would have repelled the charge against Milo. If Clodius had been killed there, it might have been said that he was killed by robbers.—'deinde ibi multi ab illo:' this is another circumstance. Many had been robbed by Clodius here, so he says; and these and others who had suffered from Clodius might have been suspected; all Etruria might have been summoned to trial, for Etruria had suffered from Clodius, (c. 9), and might be supposed ready to kill him when it could.

ad Albanum] T. E. S.; 'ad se ad Albanum' C., as Gruter says.—'Quod ut sciret:' 'though he did know,' or 'granting that Milo did know.'

adhuc constare] So far all is consistent and in favour of Milo. He recapitulates the arguments so far used. This recapitulation was called by the rhetoricians 'frequentatio,' as in the Auct. ad Herennium, iv. c. 40, quoted by Halm. The remark of the writer is useful, though these rhetorical names and divisions are worthless: "ejusdem generis est illa frequentatio quae plurimum conjecturalibus caussis opitulatur, quum suspiciones, quae separatim dictae minutae et infirmae sunt, unum in locum coactae rem videntur perspicuam facere, non suspiciosam, hoc pacto: Nolite igitur, nolite, judices, ea quae dixi separatim spectare, sed omnia colligite et conferte in unum." He had before defined 'frequentatio' generally thus: "frequentatio est quum res in tota caussa dispersae coguntur in unum quo gravior aut criminosior oratio sit."

nihil umquam] There is a letter of Cicero, Ad Att. iv. 3, written in B.C. 57, in which Cicero says that Milo threatened to kill Clodius. However, this was now some time ago, and Cicero might say what he says here with as much truth as he says many other things. We may also suppose that nothing of this kind had been proved against Milo on this trial.

rium, illius etiam potius alienum; hunc prae se tulisse se illo die Roma exiturum, illum eo die se dissimulasse rediturum; hunc nullius rei mutasse consilium, illum caussam mutandi consilii finxisse; huic, si insidiaretur, noctem prope urbem exspectandam, illi, etiamsi hunc non timeret, tamen accessum ad urbem nocturnum fuisse metuendum.

XX. Videamus nunc id quod caput est, locus ad insidias ille ipse, ubi congressi sunt, utri tandem fuerit aptior. Id vero, judices, etiam dubitandum et diutius cogitandum est? Ante fundum Clodii, quo in fundo propter insanas illas substructiones facile mille hominum versabatur valentium, edito adversarii atque excelso loco superiorem se fore putabat Milo, et ob eam rem eum locum ad pugnam potissimum elegerat? An in eo loco est potius exspectatus ab eo qui ipsius loci spe facere impetum cogitarat? Res loquitur ipsa, judices, quae semper valet plurimum. Si haec non gesta audiretis, sed picta videretis, tamen appareret uter esset insidiator, uter nihil cogitaret mali, quum alter veheretur in rheda paenulatus, una sederet uxor:—quid horum non impeditissimum?—vestitus an vehiculum an comes? quid minus promptum ad pugnam quum paenula irretitus, rheda impeditus, uxore paene constrictus esset? Videte nunc illum, primum egredientem e villa subito: cur? vesperi; quid necesse est? tarde; qui convenit, praesertim id temporis? Devertit in villam Pompeii. Pompeium ut videret? Sciebat in Alsiensi esse. Villam ut perspiceret? Millies in ea

20. *Ante fundum ... valentium*] Quoted by Gellius (i. 16), and also by Macrobius (Sat. i. 5). Gellius remarks that there is no doubt that Cicero wrote 'versabatur' and not '*versabantur*:' "quod in libris minus accurate scriptis est: alia enim ratione *mille hominum*, alia *mille homines* dicendum est." 'Mille' in such cases, he says, is a noun corresponding to the Greek χιλιάς. Macrobius has some remarks to the same effect. T. E. S. and Pompeius Gramm. quoted by Baiter have 'versabantur,' which he also prefers. "The 'substructiones' of Clodius," says Klotz, "seem to be alterations made on the ground for buildings, terraces," &c. Perhaps Cicero means that Clodius had begun these great works and had not yet got beyond the foundations. The rich Romans spent immense sums on their country houses, parks, and ponds. The rich must find some way of getting rid of their money, if they have not a taste for hoarding it. Besides building the Roman could spend his money on elections and works of art. But he wanted some of the ways of spending which modern times supply, racing and betting. Gambling was an amusement that might be made the means of spending money, but modern times offer immense advantages over ancient times for those who have money and the wish to spend it.

constrictus] Held fast by his wife to prevent him getting down to fight.—'id temporis' means, says Halm, at such a time in the year, late in the autumn, when the days were short. Graevius explained the words as referring to the time of the day.

villam Pompeii] Cn. Pompeius' Albanum was near that of Clodius'. Among the few remains at Albano, those in the Villa Doria are said to belong to Pompeius' villa, and it is said that Domitian united the 'villae' of Pompeius and Clodius, and enlarged them (Westphal, Die Röm. Kampagne, p. 24). The Alsiense of Pompeius was at Alsium (Palo) in Etruria, on the coast.

fuerat. Quid ergo erat morae et tergiversationis? Dum hic veniret, locum relinquere noluit.

XXI. Age nunc iter expediti latronis cum Milonis impedimentis comparate. Semper ille antea cum uxore, tum sine ea: numquam nisi in rheda, tum in equo; comites Graeculi, quocumque ibat, etiam quum in castra Etrusca properabat; tum nugarum in comitatu nihil. Milo, qui numquam, tum casu pueros symphoniacos uxoris ducebat et ancillarum greges. Ille, qui semper secum scorta, semper exoletos, semper lupas duceret, tum neminem, nisi ut virum a viro lectum esse diceres. Cur igitur victus est? Quia non semper viator a latrone, nonnumquam etiam latro a viatore occiditur; quia, quamquam paratus in imparatos

Quid . . . tergiversationis?] T. E. S. Baiter has 'Quid ergo erat? Mora et tergiversatio: dum hic,' &c.

21. *Age nunc*] He calls Clodius 'expeditus latro,' a robber unincumbered with weight, as the Romans called soldiers on the march 'expediti' when they were ready for the fight. Milo was like the 'impedimenta,' he moved with incumbrances. "Nam quod ad hostes appropinquabat, consuetudine sua Caesar sex legiones expeditas ducebat" (B. G. ii. 19). Halm refers to Quintilian (v. 10, 49): "intuendae sunt praecipue in conjecturis (i. e. in caussis conjecturalibus) et facultates: credibilius est enim occisos a pluribus pauciores, a firmioribus imbecilliores," &c.

In the speeches of Isocrates there is a rhetorical argument founded on probabilities (πρὸς Εὐθύνουν ἀμάρτυρος). One man had deposited with another three talents. The receiver had returned two talents, but he denied that he had received any more. The argumentation founded on the payment of the two talents could be used ingeniously for both sides (c. 12, 13). There was no external evidence, and accordingly, says Isocrates, ἀνάγκη ἐκ τεκμηρίων καὶ ἡμᾶς διδάσκειν καὶ ὑμᾶς δικάζειν ὁπότεροι ἀληθῆ λέγουσιν. If this was a real case, the decision was not difficult. The judge could make no decision, which circumstance would, however, be a decision in favour of the defendant. When there is no evidence, when we have only the affirmation of the plaintiff on one side and that of the defendant on the other, there ought to be no decision. There is, however, generally some fact, which may be used as evidence on one side or on the other, and this fact helps to a conclusion. Isocrates in his rhetorical argument, however, supposes that there was no evidence at all.

castra Etrusca] "Saepe objecit Clodio Cicero socium eum conjurationis Catilinae fuisse, quam rem nunc quoque reticens ostendit. Fuerat enim opinio, ut Catilina ex urbe profugerat in castra Mallii centurionis, qui tum in Etruria ad Faesulas exercitum ei comparabat, Clodium eum subsequi voluisse et coepisse, tum dein mutato consilio in urbem rediisse" (Ascon.). There is no evidence that Clodius was implicated in Catilina's conspiracy, nor does Cicero ever say so, though he uses expressions which may be understood to mean that Clodius was implicated. Clodius seems to have had lands in Etruria.

symphoniacos] See Vol. i., Index. Halm asks, why is 'uxoris' added? If they were his wife's slaves, that is an answer. They and the 'ancillae' were hers. Such slaves, singers and musicians, were articles of luxury among the wealthy Romans. Klotz refers to the oration Pro Roscio Amer. c. 41 and c. 46, and following Abrami, he refers to Dion Cassius, 48, c. 44, who speaks of a prattling youth being present at the marriage feast of Livia and Octavianus: παιδίον τι τῶν ψιθυρῶν, οἷα αἱ γυναῖκες γυμνὰ ὡς πλήθει ἀθύρουσαι τρέφουσι. The train of women here mentioned was of course for the service of the great lady. Where slaves are used, more persons are required. Each waiting woman has her duty. This lady would have dress-makers, hair-dressers, and women for every conceivable use.—'lupas:' Juvenal (iii. 65) tells what a 'lupa' is:

——"et ad Circum jussas prostare puellas.
Ite quibus grata est picta lupa barbara mitra;"

and Macleane's note.

Clodius, tamen mulier inciderat in viros. Nec vero sic erat umquam non paratus Milo contra illum, ut non satis fere esset paratus. Semper ille, et quantum interesset P. Clodii se perire, et quanto illi odio esset et quantum ille auderet, cogitabat. Quamobrem vitam suam, quam maximis praemiis propositam et paene addictam sciebat, numquam in periculum sine praesidio et sine custodia projiciebat. Adde casus, adde incertos exitus pugnarum Martemque communem, qui saepe spoliantem jam et exsultantem evertit et perculit ab abjecto. Adde inscitiam pransi, poti, oscitantis ducis, qui quum a tergo hostem interclusum reliquisset, nihil de ejus extremis comitibus cogitavit, in quos incensos ira vitamque domini desperantes quum incidisset, haesit in iis poenis, quas ab eo servi fideles pro domini vita expetiverunt. Cur igitur eos manu misit? Metuebat scilicet ne indicaretur, ne dolorem perferre non possent, ne tormentis cogerentur occisum esse a servis Milonis in Appia via P. Clodium confiteri. Quid opus est tortore? quid quaeris? Occideritne? occidit. Jure an injuria, nihil ad tortorem. Facti enim in eculeo quaestio est, juris in judicio. XXII. Quod igitur in caussa quaerendum est, id agamus hic: quod tormentis invenire vis, id fatemur. Manu vero cur miserit, si id potius quaeris quam cur parum amplis

Semper ille] Garatoni would erase this 'ille,' which refers to Milo.—'addictam:' see Index, Vol. ii.—'Martemque communem:' see Pro Sestio, c. 5, and the note.

Ξυνὸς Ἐνυάλιος, καί τε κτανέοντα κατέκτα (Il. xviii. 309),

quoted by Abrami, and also the line of Archilochus,

—— ἐτήτυμον γὰρ ξυνὸς ἀνθρώποις
Ἄρης (Bergk. Lyr. Poet. p. 479).

manu misit?] Milo had manumitted his slaves (Ascon. Introd.), who had served him in the fight with Clodius. He had saved them from the torture, and as an argument against him might be founded on this manumission, it was necessary to answer it. See Vol. iii., Pro Sulla, c. 28, note on 'quaestiones,' where the title De Quaestionibus in the Digest is referred to; and Pro C. Rabirio, c. 5, Vol. ii. Abrami refers to this title for a rescript of the humane emperor Pius, about slaves' torture (Dig. 48. 18. 1, § 13): "Si servus ad hoc erit manumissus ne torqueatur, dummodo in caput domini non torqueatur, posse eum torqueri divus Pius rescripsit." But Milo's slaves could not be examined against their master, as Cicero says, Pro Deiotaro, c. 1; and in the next chapter he says that slaves could not be examined against their master except in a case of 'incestus,' which was the case of Clodius when he violated the sanctity of the Bona Dea.

Jure an injuria] Halm and Baiter put a ? after these words. It is immaterial.—'eculeo:' Sigonius (De judiciis, c. xviii.) has a chapter "De tormentis in eculeo." He says "Eculeus catasta fuit lignea, cochleata, ad intendendum ac remittendum apta, et ad torquendos homines ut facti veritas elueretur instituta." The poor wretch who was fixed to this wooden machine had his limbs dislocated, and as he was firmly secured, it was easy to apply hot irons and other instruments of torture to quicken his pain, and so to get at truth or falsehood. Sigonius says, "Translatus est inde eculeus ad cruciandos homines et a certiore supplicio afficiendos, quod in Christianis martyribus patuit." The Christians did not forget the lesson. They retained the torture which the heathens had inflicted on them, and employed it against one another.

affecerit praemiis, nescis inimici factum reprehendere. Dixit enim hic idem, qui omnia semper constanter et fortiter, M. Cato, et dixit in turbulenta contione, quae tamen hujus auctoritate placata est, non libertate solum, sed etiam omnibus praemiis dignissimos fuisse qui domini caput defendissent. Quod enim praemium satis magnum est tam benevolis, tam bonis, tam fidelibus servis, propter quos vivit? Etsi id quidem non tanti est quam quod propter eosdem non sanguine et vulneribus suis crudelissimi inimici mentem oculosque satiavit. Quos nisi manu misisset, tormentis etiam dedendi fuissent conservatores domini, ultores sceleris, defensores necis. Hic vero nihil habet in his malis quod minus moleste ferat quam, etiam si quid ipsi accidat, esse tamen illis meritum praemium persolutum.—Sed quaestiones urgent Milonem, quae sunt habitae nunc in atrio Libertatis.—Quibusnam de servis? Rogas? de P. Clodii.—Quis eos postulavit?—Appius.—Quis produxit?—Appius.—Unde?—ab Appio.—Dii boni! quid potest agi severius? [De servis nulla lege quaestio est in dominum nisi de incestu, ut fuit in Clodium.] Proxime deos

22. *nescis inimici*] 'You don't know wherein the act of your enemy is blameable.' If Milo is to be blamed, it is for not having rewarded his slaves more than he did.—'non tanti est:' the saving of his life is less valuable to Milo than the frustration of his enemy's bloody design. Cicero says that the slaves must have been tortured, if they had not been manumitted; and yet he lays down the law, "De servis nulla quaestio est in dominum," &c. He says afterwards of Clodius, "cujus de morte tamquam de caerimoniis violatis quaeritur." Yet Clodius' murder, if it was a murder, was no 'incestum.' The only way of reconciling all this, is the assumption that the Lex Pompeia, under which Milo was tried, contained a provision for the examination of his slaves, which was irregular, but all the Lex was irregular. (See Ascon. Introd.) The words 'De servis nulla lege . . . in Clodium' seem to Heumann and Bake to be a scholium taken from other places, and from the passage in the Orat. Partit. c. 34. But it is plain that it is not taken from the Orat. Part.: "de nostrorum etiam prudentissimorum hominum institutis, qui quum de servis in dominos quaeri noluissent, de incestu tamen et conjuratione quae facta me consule est, quaerendum putaverunt."

atrio Libertatis] No reason can be given why this place was chosen, as far as I can see. A place was chosen where there were many witnesses to the examination by torture. Klotz suggests that this place was chosen for the purpose of giving the slaves the hope of liberty, and inducing them to say what was wished. But the hope of liberty might have been given them in a plainer way than this. Halm explains it in the same way as Klotz; but he also says, "As the atria of temples generally served for the despatch of various affairs of business, so it seems that this atrium was used for manumission and other matters relating to slaves." If that is true, it is an explanation; but the explanation is a guess founded on this passage, I believe.

postulavit?] "A rhetorical exaggeration; it was certainly a *proffering* which was the thing in question" (Halm). Cicero makes Appius perform a double part, 'postulavit' and 'produxit.' Quintilian ix. 3. 31.

De servis . . . in Clodium] Halm explains this to be a bitter taunt of the orator who views the examination of Clodius' slaves as 'in caput domini,' for the purpose of proving whether Clodius was the 'insidiator Milonis;' for as Cicero views the matter, their testimony can only be against their master.—But this explanation hardly fits well with the rest; and if the passage spoils the context, that is a good reason for rejecting it.

accessit Clodius, propius quam tum quum ad ipsos penetrarat, cujus de morte tamquam de caerimoniis violatis quaeritur. Sed tamen majores nostri in dominum de servo quaeri noluerunt, non quin posset verum inveniri, sed quia videbatur indignum esse et domini morte ipsa tristius; in reum de servis accusatoris quum quaeritur verum inveniri potest?—Age vero, quae erat aut qualis quaestio? Heus tu Rufio, verbi caussa, cave sis mentiaris. Clodius insidias fecit Miloni? Fecit. Certa crux.—Nullas fecit. Sperata libertas.—Quid hac quaestione certius? Subito abrepti in quaestionem tamen separantur a ceteris et in arcas conjiciuntur, ne quis cum iis colloqui possit. Hi centum dies penes accusatorem quum fuissent, ab eo ipso accusatore producti sunt. Quid hac quaestione dici potest integrius, quid incorruptius?

XXIII. Quod si nondum satis cernitis, quum res ipsa tot tam claris argumentis signisque luceat, pura mente atque integra Milonem, nullo scelere imbutum, nullo metu perterritum, nulla conscientia exanimatum, Romam revertisse, recordamini, per deos immortales, quae fuerit celeritas reditus ejus, qui ingressus in forum ardente curia, quae magnitudo animi, qui vultus, quae oratio. Neque vero se populo solum, sed etiam senatui commisit;

Sed tamen] With these words Cicero returns to his serious tone, and comes back to the proper point, for the sake of which he has mentioned the 'quaestio in dominum.' He says, If such a Quaestio is forbidden, though it may lead to the truth, how much less admissible is an examination of the slaves of the prosecutor against the accused, in which it is simply impossible to get out the truth?

Rufio] The slave under examination is supposed to be addressed by Appius or his examiners. The slave may be called Rufio for the occasion (verbi caussa): 'Hark'ee, Rufio, take care you don't lie. Did Clodius lay an ambuscade against Milo's life?' Abrami reminds us of a passage in the Digest (48. 18. 1, § 21) which contains a good rule about the examination of witnesses: "Qui quaestionem habiturus est non debet specialiter interrogare an Lucius Titius homicidium fecerit, sed generaliter quis id fecerit; alterum enim magis suggerentis quam requirentis videtur, et ita divus Trajanus rescripsit."

These slaves were kept apart in cells (arcae), or something of the kind which would hold them. The value of this testimony is shown by the remark that the prosecutor had kept the slaves a hundred days in his power, and then produced them as witnesses. This was contrary to a principle of Roman law referred to by Hotmann (Dig. 22, Tit. 5, De Testibus, 24), that the witnesses which a prosecutor produced out of his own house were not to be examined: "testes eos quos accusator de domo produxit interrogari non placuit."

23. *quae fuerit*] Here the orator begins his demonstration from the 'consecutio,' as it is called, or the behaviour of the accused after the deed, which moral proof appeared to the Romans to have particular weight. See Auct. Ad Herenn. ii. 5 (Halm). 'Argumenta' and 'signa,' as already observed, are technical terms in the rhetorical art: "Ab argumentis et signis et caeteris locis quibus augetur suspicio dicere hoc modo convenit, &c.—Contra argumenta et signa et caeteras suspiciones dicemus hoc modo," &c. (Auct. Ad Herenn. ii. 7.)

populo . . . commisit] Ventured to appear before the people and senate. See De Domo, c. 19, and the note, and Pro Sestio, c. 54.—'publicis praesidiis:' Abrami observes that Cicero does not mean that the soldiers were in the city when Milo returned, or that Pompeius (for 'ejus potestati' alludes to Pompeius) had already received his commission from the senate to

neque senatui modo, sed etiam publicis praesidiis et armis; neque his tantum, verum etiam ejus potestati, cui senatus totam rem publicam, omnem Italiae pubem, cuncta populi Romani arma commiserat: cui numquam se hic profecto tradidisset, nisi caussae suae confideret, praesertim omnia audienti, magna metuenti, multa suspicanti, nonnulla credenti. Magna vis est conscientiae, judices, et magna in utramque partem ut neque timeant qui nihil commiserint, et poenam semper ante oculos versari putent qui peccarint. Neque vero sine ratione certa caussa Milonis semper a senatu probata est. Videbant enim sapientissimi homines facti rationem, praesentiam animi, defensionis constantiam. An vero obliti estis, judices, recenti illo nuntio necis Clodianae non modo inimicorum Milonis sermones et opiniones, sed nonnullorum etiam imperitorum? Negabant eum Romam esse rediturum. Sive enim illud animo irato ac percito fecisset, ut incensus odio trucidaret inimicum, arbitrabantur eum tanti mortem P. Clodii putasse ut aequo animo patria careret, quum sanguine inimici explesset odium suum; sive etiam illius morte patriam liberare voluisset, non dubitaturum fortem virum quin, quum suo periculo salutem rei publicae attulisset, cederet aequo animo legibus, secum auferret gloriam sempiternam, nobis haec fruenda relinqueret quae ipse servasset. Multi etiam Catilinam atque illa portenta loquebantur: Erumpet, occupabit aliquem locum, bellum patriae faciet.—Miseros interdum cives optime de re publica meritos! in quibus homines

save the State from harm, for many days intervened between the conflagration of the Curia and that S.C. But Cicero means by saying 'that he entrusted himself to the soldiers and Pompeius,' that he did not leave the city and avoid a trial, though Pompeius was getting together his forces with all possible speed.

conscientiae] This is a common place with Cicero, but the remark is true, and every body applies it in his judgment of those to whom crime has been imputed. Cicero has some more about Conscience in the Pro Cluentio, c. 58, and the note; and in Pro S. Roscio Amerino, c. 24. Abrami quotes a saying of Bias: Ἐρωτηθεὶς τί ἂν εἴη τῶν κατὰ βίον ἄφοβον, εἶπεν Ὀρθὴ συνείδησις, one of the many bits of wisdom which belong to the old time. The Greeks said the same in another way: Βροτοῖς ἅπασιν ἡ συνείδησις θεός. All the good things have been said already, remarks La Bruyère: "Sur ce qui concerne les moeurs, le plus beau et le meilleur est enlevé: l'on ne fait que glaner après les anciens et les habiles d'entre les modernes."

facti rationem] They saw the ground or reason of what he had done; they saw that it was justifiable. The word 'ratio' is that on which a thing rests, in which it has its principle. Caesar (B. G. ii. 19) says 'ratio ordoque agminis,' the 'principle and the order of his marching.' He knew that he was coming near the enemy, and therefore he had a certain 'ordo' of marching different from what he had when he did not expect to see the enemy; and the 'ordo' was founded on a 'ratio,' on a principle of safety. When he made a bridge over the Rhine (iv. 17), "rationem pontis hanc instituit."

cederet . . . legibus] Ernesti and Wunder (Var. Lect. lxxxiv) thought that 'legibus' should be erased. Ernesti says that 'cedere' means only 'abire' in this place. Wunder has an argument against 'legibus.'

illa portenta] 'Illa' emphatic, 'such monstrous things as these.'

non modo res praeclarissimas obliviscuntur, sed etiam nefarias suspicantur. Ergo illa falsa fuerunt, quae certe vera exstitissent, si Milo admisisset aliquid quod non posset honeste vereque defendere.

XXIV. Quid, quae postea sunt in eum congesta, quae quemvis etiam mediocrium delictorum conscientia perculissent, ut sustinuit! Dii immortales! sustinuit? immo vero ut contempsit ac pro nihilo putavit, quae neque maximo animo nocens, neque innocens nisi fortissimus vir negligere potuisset. Scutorum, gladiorum, frenorum pilorumque etiam multitudo deprehendi posse indicabatur—nullum in urbe vicum, nullum angiportum esse dicebant, in quo Miloni non conducta esset domus—arma in villam Ocriculanam devecta Tiberi; domus in clivo Capitolino scutis referta; plena omnia malleolorum ad urbis incendia comparatorum. Haec non delata solum, sed paene credita, nec ante repudiata sunt quam quaesita. Laudabam equidem incredibilem diligentiam Cn. Pompeii, sed dicam, ut sentio, judices. Nimis multa audire coguntur neque aliter facere possunt ii quibus tota commissa est res publica. Quin etiam audiendus fuerit popa Licinius nescio qui de circo

24. *Quid, quae postea*] After the 'consecutio,' says Halm, comes the refutation of false charges, the 'locus communis contra rumores' (Auct. Ad Herenn. ii. 8). The Auctor speaks first of what may be said for 'rumores,' as for instance, "si negabimus temere famam nasci solere quin subsit aliquid." Then he tells us what may be said 'contra rumores.' Cicero knew how to handle this matter. When a great deal has been said against a man, the orator must leave out nothing, he must place it before his hearers, and when he has shown how much of it is false, how the facts of the rumours are contradicted by the facts of the case, he may lead his hearers to infer that all the 'rumores' are equally worthless A strict method of judicial investigation renders this useless and deprives the orator of a beautiful common-place. For in a strict method a rumour is nothing. We require evidence and not report. In the ordinary affairs of life, when 'rumores' are not brought to the test of evidence before a court, there is another way of dealing with them, a way known to the prudent; and that is to take no notice of them. 'Rumores,' when they are many and various, are soon detected and known to be false; and what is known of some, may be presumed of the rest, except that the good-natured and the virtuous in their own conceit will still stick to the 'subest aliquid:' there is something at the bottom. The prudent man will leave these people, as we say, to enjoy their opinion; for it is an enjoyment to the envious and the malevolent.

frenorum] T. E. S. The reading is probably corrupt.

Ocriculanam] A villa at Ocriculum, the most southern town of Umbria, near the Tiber, and on the Via Flaminia, and about forty-four miles from Rome. Otricoli, the modern town, is near the old site. We must infer that Milo had a villa there.

domus . . . referta] 'domum . . . refertam,' Klotz; and the accusative seems at first sight almost necessary; but second thoughts show that the words 'nullum in urbe . . . esset domus' are parenthetical, and 'arma' and this nominative (domus) must be connected with the beginning of the sentence.

malleolorum] See In Cat. i. 13, and the note.

Quin etiam . . . fuerit] 'fuit' ed. Juntina, Halm, Baiter. T. E. S. have 'fuerit;' most of the MSS. have 'sit.' Madvig proposes 'cui (Pompeio) etiam . . . fuerit,' which is ingenious, and if it is not right, it ought to be.

popa] A man employed at sacrifices, to kill the animal, as it is said. He carried bits home. Persius (vi. 73) has 'popa venter' (see Macleane's note). Halm says:

maximo; servos Milonis apud se ebrios factos sibi confessos esse se de interficiendo Pompeio conjurasse, deinde postea se gladio percussum esse ab uno de illis ne indicaret. Pompeio in hortos nuntiavit: arcessor in primis; de amicorum sententia rem defert ad senatum. Non poteram in illius mei patriaeque custodis tanta suspicione non metu exanimari, sed mirabar tamen credi popae, confessionem servorum audiri, vulnus in latere quod acu punctum videretur pro ictu gladiatoris probari. Verum, ut intelligo, cavebat magis Pompeius quam timebat, non ea solum quae timenda erant, sed omnia, ne aliquid vos timeretis. Oppugnata domus C. Caesaris clarissimi et fortissimi viri per multas noctis horas nuntiabatur. Nemo audierat tam celebri loco, nemo senserat; tamen audiebatur. Non poteram Cn. Pompeium praestantissima virtute virum timidum suspicari: diligentiam tota re publica suscepta nimiam nullam putabam. Frequentissimo senatu nuper in Capitolio senator inventus est qui Milonem cum telo esse diceret. Nudavit se in sanctissimo templo, quoniam vita talis et civis et viri fidem non faciebat ut eo tacente res ipsa loqueretur. XXV. Omnia falsa atque insidiose ficta comperta sunt. Cum tamen si metuitur etiam nunc Milo, non jam hoc Clodianum

"Cicero makes out of the 'sacrificulus,' whose office was the purification and making the expiatory sacrifices for 'familiae' of slaves, a 'popa' or victim-killer, which class of men used to keep a kind of cook-shop (popina) supplied out of the remnants of the offerings, and in these 'popinae' cooked food particularly, and also drink was sold, and only people out of the lower Plebs or slaves frequented them." Perhaps these cook-shopmen were employed at the sacrifices, because they could dispose of the remnants to their customers. A man would hardly set up an eating-house with no more certain supply for his customers than the remnants of the sacrifices.

Licinius] Asconius tells us what is necessary to explain this story: "Prius etiam quam Pompeius tertium consul crearetur, tres tribuni, Q. Pompeius Rufus, C. Sallustius Crispus, T. Munatius Plancus, cum cotidianis contionibus suis magnam invidiam Miloni propter Clodium excitarent, produxerant ad populum Cn. Pompeium, et ab eo quaesierant num ad eum delatum esset illud quoque indicium suae vitae insidiari Milonem. Responderat Pompeius: Licinium quendam de plebe, sacrificulum, qui solitus esset familias purgare, ad se detulisse servos quosdam Milonis itemque libertos comparatos esse ad caedem suam, nomina quoque servorum edidisse: se ad Milonem misisse ut eos in potestate sua haberet; a Milone responsum esse ex iis servis, quos nominasset partim neminem se unquam habuisse, partim manu misisse: dein, cum Licinium apud se haberet, Lucium quendam de plebe ad corrumpendum indicem venisse; qua re cognita in vincla eum publica esse conjectum."

de amicorum sententia] 'Pursuant to the opinion of his friends,' a common formula. It was Roman practice to invite friends to be present, to give their advice on many important occasions, and to serve as witnesses afterwards, if there should be need.

C. Caesaris] Caesar, as Pontifex Maximus, had an official residence in the Via Sacra, as Suetonius says (Julius, c. 46). It was in a frequented part of Rome (celebri loco). See Vol. i., Index, Celeber.

25. *Cum tamen si*] This is corrupt. Several attempts have been made to mend it. In the old editions there is 'Quod si tamen metuitur,' for which there is said to be no MSS. authority.—'et ea voce:' 'et' is in A.—'exaudire,' A.; 'audire,' T. E. S. Halm, who has 'exaudire,' says '*exaudire*' not '*audire*,' because Pompeius sat at some

crimen timemus, sed tuas, Cn. Pompei, te enim jam appello et ea voce ut me exaudire possis, tuas, tuas, inquam, suspiciones perhorrescimus. Si Milonem times, si hunc de tua vita nefarie aut nunc cogitare aut molitum aliquando aliquid putas, si Italiae delectus, ut nonnulli conquisitores tui dictitarunt, si haec arma, si Capitolinae cohortes, si excubiae, si vigiliae, si delecta juventus, quae tuum corpus domumque custodit, contra Milonis impetum armata est atque illa omnia in hunc unum instituta, parata, intenta sunt, magna in hoc certe vis et incredibilis animus et non unius viri vires atque opes judicantur, si quidem in hunc unum et praestantissimus dux electus et tota res publica armata est. Sed quis non intelligit omnes tibi rei publicae partes aegras et labantes ut eas his armis sanares et confirmares esse commissas? Quod si Miloni locus datus esset, probasset profecto tibi ipsi neminem umquam hominem homini cariorem fuisse quam te sibi, nullum se umquam periculum pro tua dignitate fugisse, cum illa ipsa taeterrima peste se saepissime pro tua gloria contendisse, tribunatum suum ad salutem meam, quae tibi carissima fuisset, consiliis tuis gubernatum, se a te postea defensum in periculo capitis, adjutum in petitione praeturae, duos se habere semper amicissimos sperasse, te tuo beneficio, me suo. Quae si non probaret, si tibi ita penitus inhaesisset ista suspicio, nullo ut evelli modo posset, si denique Italia a delectu, urbs ab armis sine Milonis clade numquam esset conquietura, ne iste haud dubitans cessisset patria, is qui ita natus est et ita consuevit; te, Magne, tamen antestaretur, quod nunc etiam facit. XXVI. Vide quam sit

distance from the orator, and at the 'aerarium.' See Vol. iii., Index, Exaudire.

conquisitores] Those 'qui milites conscribendos conquirunt,' something like recruiters.—'si locus:' "Ob has suspitiones Pompeius in superioribus hortis se continuerat: deinde ex SCto dilectu per Italiam habito cum redisset, venientem ad se Milonem unum omnium non admiserat" (Ascon.).

in periculo capitis] c. 15 and the notes.

ne iste] One MS. of the codd. of Lagomarsini has 'ille.' 'Ne' marks an affirmation, and is prefixed to the pronouns 'ille,' 'hic,' 'iste.' Halm says that it is not prefixed to 'is;' and it may be so. Lambinus says that all the 'libri veteres' write 'ne' without the diphthong.

is qui ita . . . consuevit] Some critics have thought that something has been omitted after 'consuevit.' But perhaps the text is right. Manutius explains it thus: 'who has this disposition both from nature and habit, to place the quiet and preservation of his country before every thing.'

Magne] Magnus was a part of Pompeius' name. It is not certain when he first got it. Plutarch (Pomp. c. 13) has this story. When Pompeius returned from the war in Africa, B.C. 80, Sulla "advanced and met Pompeius, and receiving him with all possible expressions of good will, he saluted him with a loud voice by the name of Magnus, and he bade those who were present to address him in the same way. The word Magnus means Great. Others say that it was in Libya first that the whole army with acclamation pronounced the name, and that it obtained strength and currency by being confirmed by Sulla."

varia vitae commutabilisque ratio, quam vaga volubilisque fortuna, quantae infidelitates in amicis, quam ad tempus aptae simulationes, quantae in periculis fugae proximorum, quantae timiditates. Erit, erit illud profecto tempus, et illucescet aliquando ille dies, quum tu salutaribus, ut spero, rebus tuis, sed fortasse motu aliquo communium temporum—qui quam crebro accidat experti scire debemus—et amicissimi benevolentiam, et gravissimi hominis fidem, et unius post homines natos fortissimi viri magnitudinem animi desideres. Quamquam quis hoc credat Cn. Pompeium, juris publici, moris majorum, rei denique publicae peritissimum, quum senatus ei commiserit, ut videret, Ne quid res publica detrimenti caperet—quo uno versiculo satis armati semper consules fuerunt etiam nullis armis datis—hunc exercitu, hunc delectu dato, judicium exspectaturum fuisse in ejus consiliis vindicandis qui vi judicia ipsa tolleret? Satis judicatum est a Pompeio, satis, falso ista conferri in Milonem, qui legem tulit, qua, ut ego sentio, Milonem absolvi a vobis oporteret, ut omnes confitentur, liceret. Quod vero in illo loco atque illis publicorum praesidiorum copiis circumfusus sedet, satis declarat se non terrorem inferre vobis—quid enim minus illo dignum quam cogere ut vos eum condemnetis, in quem animadvertere ipse et more majorum et suo jure posset?—sed praesidio esse, ut intelligatis contra hesternam illam contionem licere vobis quod sentiatis libere judicare.

XXVII. Nec vero me, judices, Clodianum crimen movet; nec

26. *communium temporum*] This is opposed to 'rebus tuis,' 'in your prosperity, I hope, but perhaps in some general convulsion.' Abrami says, "As if he said, Pompeius' condition is so well fixed, that it cannot be changed except with a change in the general state of affairs." In a few years the civil war broke out, Pompeius fled from Italy before his son-in-law, and lost his life in Egypt. The Romans had seen the times of Cinna, Marius, and Sulla, the conspiracy of Catilina, and the revolutionary attempts of Clodius (experti scire debemus).—'desideras,' E.; 'desiderabis,' Bake. 'Desideres' refers to 'quum tu.'

Ne quid] The usual formula when a consul was empowered to protect the State in time of danger (Sallust, Cat. c. 29).—'qui vi:' the argument is that Pompeius being armed with such a commission, and having raised troops, would not have waited for the regular course of justice 'to punish the designs of a man like Milo, if he had, as it is alleged, been attempting by force to stop judicial proceedings.'

suo jure] 'by virtue of his authority.' 'Suo jure' or 'pro suo jure,' 'meo jure,' and the like, are common expressions, the precise meaning of which depends on the words with which they are used. See Verr. i. 5, c. 1, note.—'contionem:' "Idem T. Munatius Plancus, ut saepe diximus, post audita et obsignata testium verba dimissosque interim judices, vocata contione cohortatus erat populum ut clusis tabernis postero die ad judicium adesset nec pateretur elabi Milonem" (Ascon.). See also the Introduction of Asconius, p. 322.

27. *Nec vero*] Here begins the argumentation 'extra caussam' (see c. 34). Quintilian (vii. 4, 7, and iv. 5, 12) says: "Egregie Cicero pro Milone insidiatorem primo Clodium ostendit, tum addidit ex abundantia, etiam si id non fuisset, talem tamen civem cum summa virtute interfectoris et gloria necari potuisse" (Halm).

tam sum demens tamque vestri sensus ignarus atque expers ut nesciam quid de morte Clodii sentiatis. De qua, si jam nollem ita diluere crimen ut dilui, tamen impune Miloni palam clamare atque mentiri gloriose liceret: Occidi, occidi, non Sp. Maelium, qui annona levanda jacturisque rei familiaris, quia nimis amplecti plebem putabatur, in suspicionem incidit regni appetendi, non Ti. Gracchum, qui collegae magistratum per seditionem abrogavit, quorum interfectores impleverunt orbem terrarum nominis sui gloria, sed eum—auderet enim dicere, quum patriam periculo suo liberasset—cujus nefandum adulterium in pulvinaribus sanctissimis nobilissimae feminae comprehenderunt; eum, cujus supplicio senatus sollennes religiones expiandas saepe censuit; eum, quem cum sorore germana nefarium stuprum fecisse L. Lucullus juratus se quaestionibus habitis dixit comperisse; eum, qui civem, quem senatus, quem populus Romanus, quem omnes gentes urbis ac vitae civium conservatorem judicarant, servorum armis exterminavit; eum, qui regna dedit, ademit, orbem terrarum quibuscum voluit partitus est; eum, qui plurimis caedibus in foro factis singulari virtute et gloria civem domum vi et armis compulit; eum, cui nihil umquam nefas fuit nec in facinore nec in libidine; eum, qui aedem Nympharum incendit, ut memoriam publicam recensionis tabulis publicis impressam exstingueret; eum denique, cui jam nulla lex erat, nullum civile jus, nulli possessionum termini,

Sp. Maelium] One of Cicero's rhetorical common places (Vol. iii., Index). Maelius attempted to relieve the people by bringing down the price of bread, and spending his own money (jacturis), as if he were casting it overboard to ease the ship. —'qui collegae:' Ti. Gracchus deprived his colleague in the tribuneship, M. Octavius, of his office, because Octavius opposed Gracchus' Agrarian Law. "Tiberius had recourse to the unconstitutional and violent measure of depriving Octavius of his office, finding it impossible to put his proposed law to the vote in any other way" (Plut., Tib. Gracchus, c. 11).

sed eum . . . pulvinaribus] Quoted by Quintilian, v. 11, 12. The allusion is to the profanation of the mysteries of the Bona Dea by Clodius, when the Vestals and other women detected him (Vol. iii., Index, Bona Dea).

sorore germana] This scandalous story refers to the youngest of the Clodiae, the wife of L. Lucullus, who swore that he had made the discovery by examining his slaves by torture (quaestionibus habitis). Lucullus put away the woman after his return from his Asiatic campaign (Plutarch, Lucullus, c. 38).—'conservatorem:' this is Cicero. He goes on to speak of other violent acts of Clodius' tribunate.

regna dedit] He gave a kingly title to Brogitarus, the Galatian (Index, Vol. iii.); and he took Cyprus from king Ptolemaeus (Index, Vol. iii.). He annexed the kingdom of Cyprus to the Roman possessions, and changed it into a Roman province. Clodius was an 'annexator,' as he might be styled now. He gave the consuls Piso and Gabinius respectively the provinces of Macedonia and Syria, for the services which they had rendered him in his tribunate (In Pisonem, De Prov. Cons.).

domum . . . compulit] He compelled Magnus to shut himself up in his house (c. 7), about which we have a great deal in the spurious orations (Vol. iii.).—'aedem Nympharum:' in this temple, as it appears, was the 'tabularium' in which the 'tabulae censoriae' were kept. This conflagration is mentioned in the Pro Caelio, c. 32.

possessionum termini] The landmarks

qui non calumnia litium, non injustis vindiciis ac sacramentis alienos fundos, sed castris, exercitu, signis inferendis petebat; qui non solum Etruscos, eos enim penitus contempserat, sed hunc P. Varium, fortissimum atque optimum civem, judicem nostrum, pellere possessionibus armis castrisque conatus est, qui cum architectis ei decempedis villas multorum hortosque peragrabat, qui Janiculo et Alpibus spem possessionum terminarat suarum; qui quum ab equite Romano splendido et forti [viro], M. Paconio, non impetrasset, ut insulam in lacu Prilio venderet, repente lintribus in eam insulam materiem, calcem, caementa atque arma convexit dominoque trans ripam inspectante non dubitavit aedificium exstruere in alieno; qui huic T. Furfanio, cui viro! dii immortales!—quid enim ego de muliercula Scantia? quid de adolescente P. Aponio dicam? quorum utrique mortem est minitatus, nisi sibi hortorum possessione cessissent—sed ausus est Furfanio dicere, si sibi pecuniam quantam poposcerat non dedisset, mortuum se in domum ejus illaturum, qua invidia huic esset tali viro

of property. The removal of a landmark was a crime against religion. 'Possessiones' means property in land.—'non calumnia litium:' not by vexatious suits for the purpose of disturbing good titles. See Calumnia, Index, Vol. i.—'vindiciis ac sacramentis:' he means the action for the recovery of land. See Vol. ii., Index, Vindicatio, and Sacramentum.—'castris:' he represents Clodius as making his aggressions on other peoples' land in the form of a regular campaign. He pitched his camp, and then made his attack (signis inferendis). Caesar (B. G. ii. 25), "cohortatus milites signa inferre;" and iii. c. 26.

decempedis] Measuring rods or chains.

> "—— nulla decempedis
> Metata privatis opacam
> Porticus excipiebat Arcton."
> (Horace, Carm. ii. 15.)

—'Janiculo:' from the hill on the right side of the Tiber at Rome, up to the Alps. It appears that Clodius had large possessions in Etruria, and the orator signifies in these terms his unbounded greediness and desire to extend them.

Prilio] P.; 'perelio' T. E.; 'pretio' S., which is probably intended for 'Prelio.' It is supposed that it may be the Lacus Aprilis of the Roman Itineraries, and the modern Lago di Castiglione, on the coast of Etruria, north of the mouth of the Umbro (Ombrone).—'inspectante . . . in alieno:' the owner might look on quietly, and without concern, for whatever Clodius built on the land of Paconius would belong to Paconius, according to the doctrine "superficies solo cedit" (Gaius, ii. 73), what is fixed in the ground follows the ownership of the ground. When a man was a 'bonae fidei possessor,' that is, when he was in possession as owner, and thought that he was rightly in possession, if the true owner saw that he was building on the ground and made no objection, the owner could not recover possession of his land without indemnifying for the materials and the labour the man who had built on it (Scaevola, Dig. 41. 1. 7, § 12). But here the owner is supposed to be frightened by Clodius, who knew that the land was not his own.

'Arma' are implements and tools for building. The word 'inspectante' moved Abrami's feelings. He says, "Pathos ab aspectu ut illud Pallantis 10 Æneidos."

ausus est] 'ausum esse' Baiter. In this long tedious sentence, we don't care which it is. We don't expect to see a man arrive at the end of such a period without stumbling.

mortuum] He threatened to bring a corpse into Furfanius' house, that the poor man might come under suspicion of having committed a murder. It is pitiable to see the great orator reduced to talking such nonsense. Would Clodius bring in the body by day or by night? If by day, and against the will of Furfanius, as we may

conflagrandum; qui Appium fratrem, hominem mihi conjunctum fidissima gratia, absentem de possessione fundi dejecit; qui parietem sic per vestibulum sororis instituit ducere, sic agere fundamenta, ut sororem non modo vestibulo privaret, sed omni aditu et limine.

XXVIII. Quamquam haec quidem jam tolerabilia videbantur, etsi aequaliter in rem publicam, in privatos, in longinquos, in propinquos, in alienos, in suos irruebat; sed nescio quomodo jam usu obduruerat et percalluerat civitatis incredibilis patientia. Quae vero aderant jam et impendebant, quonam modo ea aut depellere potuissetis aut ferre? Imperium ille si nactus esset, omitto socios, exteras nationes, reges, tetrarchas; vota enim faceretis ut in eos se potius immitteret quam in vestras possessiones, vestra tecta, vestras pecunias: pecunias dico? a liberis, me dius fidius, et a conjugibus vestris numquam ille effrenatas suas libidines cohibuisset. Fingi haec putatis quae patent, quae nota sunt omnibus, quae tenentur? servorum exercitus illum in urbe conscripturum fuisse, per quos totam rem publicam resque privatas omnium possideret? Quamobrem si cruentum gladium tenens clamaret T. Annius: Adeste, quaeso, atque audite cives: P. Clodium interfeci, ejus furores, quos nullis jam legibus, nullis judiciis frenare poteramus, hoc ferro et hac dextera a cervicibus vestris reppuli, per me ut unum, jus, aequitas, leges, libertas, pudor, pudicitia in civitate manerent—esset vero timendum quonam modo

certainly assume, he would have been seen. If by night, and he tried to break open Furfanius' house, Furfanius might legally have made a corpse of Clodius.

absentem . . . dejecit] He turned the people of Appius out. Appius was Publius' eldest brother, and afterwards governor of Cilicia, in which government he was succeeded by Cicero.

instituit ducere] As a 'paries' is a house wall, it seems that Clodius lived next door to his sister, and he planned a wall in such a direction (instituit ducere), and, as the orator almost needlessly remarks, the foundations also of the wall, in such a way as to deprive his sister of her Vestibulum, of 'all access and light.' She must have got in by the windows then. One would have supposed that Clodius was on too good terms with his sisters to treat any of them in this way, nor would these ladies have submitted quietly to such treatment, for which the law provided a ready remedy. This lady may be, as it is conjectured, Celer's widow.

Gellius (xvi. 5) quotes Aelius Gallus' definition of Vestibulum (in libro de significatione verborum): "Vestibulum esse dicit non in ipsis aedibus neque partem aedium, sed locum ante januam domus vacuum, per quem a via aditus accessusque ad aedes est, quum dextra sinistraque inter januam tectaque, quae sunt viae juncta, spatium relinquitur, atque ipsa janua procul a via est area vacanti intersita." Macrobius (Sat. v. 8) has copied this passage, and a good deal more from Gellius.

28. *Imperium*] If he had been elected Praetor, he would have had what the Romans called Imperium.—'tetrarchas:' this is an allusion to what Clodius had done in the matter of Brogitarus (c. 27). In the oration Pro Deiotaro there is something about Tetrarchs.

per me ut unum] Some editions have 'per me unum ut.' Baiter does not state any variation in the MSS. There are other examples of the position of 'ut' like this position of 'ut' after 'per me,' in Cicero and in Caesar, as I have observed before.

id ferret civitas! Nunc enim quis est qui non probet, qui non laudet, qui non unum post hominum memoriam T. Annium plurimum rei publicae profuisse, maxima laetitia populum Romanum, cunctam Italiam, nationes omnes affecisse et dicat et sentiat? Non queo vetera illa populi Romani gaudia quanta fuerint judicare: multas tamen jam summorum imperatorum clarissimas victorias aetas nostra vidit, quarum nulla neque tam diuturnam attulit laetitiam nec tantam. Mandate hoc memoriae, judices. Spero multa vos liberosque vestros in re publica bona esse visuros; in his singulis ita semper existimabitis vivo P. Clodio nihil eorum vos visuros fuisse. In spem maximam et quemadmodum confido verissimam sumus adducti, hunc ipsum annum, hoc ipso summo viro consule, compressa hominum licentia, cupiditatibus fractis, legibus et judiciis constitutis, salutarem civitati fore. Numquis est igitur tam demens qui hoc P. Clodio vivo contingere potuisse arbitretur? Quid, ea quae tenetis privata atque vestra dominante homine furioso quod jus perpetuae possessionis habere potuissent?

XXIX. Non timeo, judices, ne odio inimicitiarum mearum inflammatus libentius haec in illum evomere videar quam verius. Etenim si praecipuum esse debebat, tamen ita communis erat omnium ille hostis, ut in communi odio paene aequaliter versaretur odium meum. Non potest dici satis, ne cogitari quidem, quantum in illo sceleris, quantum exitii fuerit. Quin sic attendite, judices. Nempe haec est quaestio de interitu P. Clodii. Fingite animis—

Non queo] "So Cicero always writes in the first person, not *nequeo*" (Halm). It may be so, but it will be hard to prove. "Codex unus Memm. habet, *Non queo*, quod Plauto et Terentio usitatum est" (Lambinus). Cicero (Orator, c. 47) says, "*Non scire* quidem barbarum jam videtur, *nescire* dulcius."

his singulis] T. E. S.; 'iis singulis,' Garatoni, Halm, Baiter. The confusion in the MSS. between 'hi' and 'ii,' 'his' and 'iis' is well known, and has been often noticed. The error of modern editors has generally been in changing the demonstrative 'hic' to the simple word of reference 'is;' and it is an error to do so here. The word 'his' is emphatic.

29. *libentius*] 'more from passion' (Halm). This is the right translation. The use of the word 'libido,' 'passion,' 'caprice,' will explain this word. The coarse metaphor 'evomere' occurs elsewhere in Cicero and in Terence.

Etenim si] T. E. Baiter; 'etenim etsi' S.—'praecipuum:' this is explained by the word opposed to it, 'communis' (Halm). Cicero sometimes joins it with 'proprium,' as "praecipuum illum et proprium sensum doloris mei, quem tamen vos communem" (De Prov. Cons. c. 1). The sense is easily derived from the verb 'praecipere,' to take and appropriate something out of a large mass, as the 'heres' or legatee in some cases might do with respect to the 'hereditas:' "quum peculium castrense filius etiam inter legitimos heredes praecipuum retineat" (Papinian, Dig. 40. 5. 23, § 2).

Quin . . . attendite] 'Come then, attend to what I am going to say.' 'Quin' here = 'potius' (Halm). This is a mistake. It is the form 'Qui non . . . attenditis?' which became 'Quin attenditis,' and then 'Quin attendite.' There are plenty of examples.—'ut ea cernamus quae non videmus:' C.; and Gulielmius preferred this reading.—'conditionis meae:' 'of the terms which I propose' (Halm).

liberae sunt enim nostrae cogitationes, et quae volunt sic intuentur ut ea cernimus quae videmus—fingite igitur cogitatione imaginem hujus conditionis meae: si possim efficere ut Milonem absolvatis, sed ita si P. Clodius revixerit—quid vultu extimuistis? quonam modo ille vos vivus afficeret, quos mortuus inani cogitatione percussit? Quid, si ipse Cn. Pompeius, qui ea virtute ac fortuna est ut ea potuerit semper quae nemo praeter illum, si is, inquam, potuisset aut quaestionem de morte P. Clodii ferre aut ipsum ab inferis excitare, utrum putatis potius facturum fuisse? Etiamsi propter amicitiam vellet illum ab inferis evocare, propter rem publicam non fecisset. Ejus igitur mortis sedetis ultores, cujus vitam si putetis per vos restitui posse, nolitis; et de ejus nece lata quaestio est, qui si lege eadem reviviscere posset, lata lex numquam esset. Hujus ergo interfector si esset, in confitendo ab iisne poenam timeret quos liberavisset? Graeci homines deorum honores tribuunt iis viris qui tyrannos necaverunt—quae ego vidi Athenis, quae aliis in urbibus Graeciae, quas res divinas talibus institutas viris, quos cantus, quae carmina! prope ad immortalitatis et religionem et memoriam consecrantur:—vos tanti conservatorem populi, tanti sceleris ultorem non modo honoribus nullis afficietis, sed etiam ad supplicium rapi patiemini? Confiteretur, confiteretur, inquam, si fecisset, et magno animo et libenter, se fecisse libertatis

illum ab inferis evocare] Bake thinks that these words are an interpolation. But why should not Cicero repeat what he had said? It is Roman fashion, and here I think that it has a good rhetorical effect. I see no reason why the interpolator should have foisted the words in, for there is no ambiguity if they are left out.—'Ejus igitur . . . nolitis:' quoted by Quintilian, v. 14, 2.

interfector si esset] This is Priscian's reading, as Fr. Fabritius remarks. Lambinus has a long note on it. He found this reading (si) also in his MSS. Graevius says: "Francii primus horum codicum scripturam non tantum approbat, sed et emendatiorem ceteris servat: Hujus ergo interfector qui esset in confitendo ab hisne poenam timeret," &c. There is no possible objection to 'si,' and it may be Cicero's word. But 'qui' means the same here; and how did it get into the text?—'ab iisne:' 'ab hisne' T. E.; 'ab his' S.; but we must read 'ab iisne.'

Athenis] Harmodius and Aristogeiton killed Hipparchus at Athens, and they were honoured like heroes and gods (Demosthenes, περὶ παραπρεσβείας, 431, quoted by Abrami). The Scholion about these two tyrannicides is well-known; it begins 'Εν μύρτου κλαδὶ τὸ ξίφος φορήσω Ὥσπερ Ἁρμόδιος κ' Ἀριστογείτων. The memory of Aratus was honoured in Sicyon as the saviour of the State, and the sacrifices to Aratus were observed even in Plutarch's time. Polybius (viii. 14) says, they decreed in memory of Aratus sacrifices and honours such as were paid to heroes, "and in a word, all that is suited to preserve an eternal remembrance, so that if there is even in the dead any consciousness, it is reasonable to suppose that he rejoices both in the gratitude of the Achaei and in his bad fortune during life and his dangers." The old song at Athens expressed more hope than Polybius had of a future life:

"Dearest Harmodius, still thou dost live,
In the isles of the blessed 'tis said that thou art."

When we have buried a great man with cumbrous pomp, we have done with him, unless perchance we set up his statue, which is often a thing that cannot be forgotten.

immortalitatis] Halm explains this as equivalent to 'immortalis naturae.'

et libenter] 'libente' H.—'quod ei certe non:' 'quod esset ei non' Baiter.

omnium caussa; quod ei certe non confitendum modo, verum etiam praedicandum. XXX. Etenim si id non negat, ex quo nihil petit nisi ut ignoscatur, dubitaret id fateri, ex quo etiam praemia laudis essent petenda? Nisi vero gratius putat esse vobis sui se capitis quam vestri defensorem fuisse, quum praesertim in ea confessione, si grati esse velletis, honores assequeretur amplissimos. Si factum vobis non probaretur—quamquam qui poterat salus sua cuiquam non probari?—sed tamen si minus fortissimi viri virtus civibus grata cecidisset, magno animo constantique cederet ex ingrata civitate. Nam quid esset ingratius quam laetari ceteros, lugere eum solum propter quem ceteri laetarentur? Quamquam hoc animo semper omnes fuimus in patriae proditoribus opprimendis, ut, quoniam nostra futura esset gloria, periculum quoque et invidiam nostram putaremus. Nam quae mihi ipsi tribuenda laus esset, quum tantum in consulatu meo pro vobis ac liberis vestris ausus essem, si id quod conabar sine maximis dimicationibus meis me esse ausurum arbitrarer? Quae mulier sceleratum ac perniciosum civem occidere non auderet, si periculum non timeret? Proposita invidia, morte, poena, qui nihilo segnius rem publicam defendit, is vir vere putandus est. Populi grati est praemiis afficere bene meritos de re publica cives; viri fortis ne suppliciis quidem moveri ut fortiter fecisse poeniteat. Quamobrem uteretur eadem confessione T. Annius, qua Ahala, qua Nasica, qua Opimius, qua Marius, qua nosmet ipsi; et si grata respublica esset, laetaretur; si ingrata, tamen in gravi fortuna conscientia sua niteretur.

Sed hujus beneficii gratiam, judices, fortuna populi Romani et vestra felicitas et dii immortales sibi deberi putant: nec vero quisquam aliter arbitrari potest nisi qui nullam vim esse ducit numenve divinum, quem neque imperii nostri magnitudo, neque sol ille, nec caeli signorumque motus, nec vicissitudines rerum atque ordines movent, neque, id quod maximum est, majorum nostrorum sapientia, qui sacra, qui caerimonias, qui auspicia et ipsi sanctissime coluerunt, et nobis suis posteris prodiderunt. XXXI. Est, est

30. *Proposita invidia*] 'He who has only the prospect of envy, death, and punishment, and yet slackens not in his zeal in defence of the State, he truly deserves the name of a man.' Such a man has Roman 'virtus,' devotion to the commonwealth, with no hope of profit. The highest virtue of antiquity looked for no reward.

Ahala . . . nosmet ipsi] He begins with 'Ahala,' a stock character in these orations, and modestly ends with himself.

fortuna] See Index, Vol iii. The Fortune of Rome, and the Felicitas of the Romani, and the immortal gods think that thanks are due to them for this service (hujus beneficii gratiam), which Milo has rendered to the State. Milo asks for no reward.

31. *Est, est profecto*] This was a topic

profecto illa vis, neque in his corporibus atque in hac imbecillitate nostra inest quiddam quod vigeat et sentiat, [et] non inest in hoc tanto naturae tam praeclaro motu: nisi forte idcirco esse non putant quia non apparet nec cernitur; proinde quasi nostram ipsam mentem, qua sapimus, qua providemus, qua haec ipsa agimus ac dicimus, videre aut plane qualis aut ubi sit sentire possimus. Ea vis igitur ipsa, quae saepe incredibiles huic urbi felicitates atque opes attulit, illam perniciem exstinxit ac sustulit, cui primum mentem injecit, ut vi irritare ferroque lacessere fortissimum virum auderet vinceretur que ab eo, quem si vicisset, habiturus esset impunitatem et licentiam sempiternam. Non est humano consilio, ne mediocri quidem, judices, deorum immortalium cura res illa perfecta. Religiones mehercule ipsae, quae illam belluam cadere

which Cicero could handle in his closet, but it is out of place here. He might have assumed the existence of gods without trying to prove it. His argument is that there is something in these frail bodies which lives and has intelligence, and so we may conclude that there is something of the same kind and greater in the great movements of nature. Voltaire, who defended Deism against Atheism, has the same argument.—'nisi forte.' In the same way Socrates answers the objections of Aristodemus (Mem. i. c. 4); and Cicero, translating the Cyropaedia (De Sen. c. 22), has the same argument: we must not deny the existence of a 'mens,' because we cannot see it. We cannot deny the existence in some sense of a thing, whatever we name it, when we speak of what this thing does or causes, for the form of language, and that is the form of thought, contains the admission implicitly. Some of the ancient philosophers tried to determine in what part of the body the 'mens' resided. Sensibly enough they did not put it in any part of the body, of which a man can be deprived and still can live. Pythagoras placed the intellect in the head, and if it is in any part of the body, it is certainly there, as the language of all mankind shows.

mentem injecit] The providence of the Deity was manifested in leading Clodius to his ruin, "a thought often expressed by the ancients, of a deep moral import" (Halm). He then refers to the verses of Euripides quoted in Vol. iii., In Cat. iii. c. 9. I suppose that he does not mean 'moral' as opposed to 'immoral,' but 'moral' in the sense of what relates to the character of actions generally. If he means what I do not suppose him to mean, he has a very immoral meaning. The man who believes this doctrine, knowing that he may be the sport of such malignity, makes no resistance to temptation. When he has done that which he is led to do, as he believes, and at the same time what he knows that he ought not to have done, he comforts himself with saying that it is not his work, but the work of the power which compelled him; and his reasoning is a just conclusion from his false opinions. But the doctrine of Cicero, the 'thought of a deep moral import,' does often appear even now, and hardly disguised.

Religiones] "The holy places; the temples, altars, and ceremonies established in them" (Abrami).—'Vos enim . . . sociae et aequales:' quoted by Quintilian, xi. 1, 34. The 'Albani tumuli' are the Alban hills. It was an old tradition that Alba was destroyed by the Roman king Tullus Hostilius. The altars which Clodius destroyed may have been rhetorical altars, which would harmonize well with the rest of the passage. There may be an allusion here to the Feriae Latinae, which were celebrated on the Mons Albanus (Pro Plancio, c. 9). Abrami quotes two lines from Cicero's poem on his consulship:

> "Tu quoque quum tumulos Albano in monte nivales
> Lustrasti, et laeto mactasti lacte Latinas."

"It was a very wise political principle of the Romans, which led them to admit into their confederation the conquered people with their gods, temples, ceremonies, and altars, and to place them in respect to sanctity and honour on the same footing as their own" (Klotz). The remark is good, though it has no direct

viderunt, commovisse se videntur, et jus in illo suum retinuisse. Vos enim jam, Albani tumuli atque luci, vos, inquam, imploro atque obtestor, vosque, Albanorum obrutae arae, sacrorum populi Romani sociae et aequales, quas ille praeceps amentia caesis prostratisque sanctissimis lucis substructionum insanis molibus oppresserat: vestrae tum arae, vestrae religiones viguerunt, vestra vis valuit, quam ille omni scelere polluerat; tuque ex tuo edito monte, Latiaris sancte Juppiter, cujus ille lacus, nemora finesque saepe omni nefario stupro et scelere macularat, aliquando ad eum puniendum oculos aperuisti; vobis illae, vobis vestro in conspectu serae, sed justae tamen et debitae poenae solutae sunt: nisi forte hoc etiam casu factum esse dicemus, ut ante ipsum sacrarium Bonae Deae, quod est in fundo T. Sextii Galli, in primis honesti et ornati adolescentis, ante ipsam, inquam, Bonam Deam, quum praelium commisisset, primum illud vulnus acciperet quo taeterrimam mortem obiret, ut non absolutus judicio illo nefario videretur, sed ad hanc insignem poenam reservatus. XXXII. Nec vero non eadem ira deorum hanc ejus satellitibus injecit amentiam, ut sine imaginibus, sine cantu atque ludis, sine exsequiis, sine lamentis,

bearing on the speech, except so far as it makes Clodius guilty of the same offence as if he had violated the sanctity of Roman temples and altars. Religion caused no difficulty to the Romans in the conquest of the Italian nations and of the Greeks; and indeed the Romans very freely admitted the gods and ceremonial even of some barbarous nations; for instance, they brought the worship of the Mater Deorum from Phrygia to Rome (Vol. iii., De Harusp. Resp. c. 13). Two nations however had a system that could not be reconciled to the Roman, the Druidism of Gallia, and the religion of the Jews. The Romans attempted to extirpate Druidism from Gallia; and it was the question of religion which raised the bloody wars with the Jews in the time of Vespasian and of Hadrian.

vestrae tum arae] The word 'arae' is omitted by Baiter, following Gruter. Bake would change 'quam ille' into 'quas ille,' for Clodius could not be said 'vim polluere,' but 'religiones.'

Latiaris] or 'Latialis.' There are both readings, and they are equally good. Jupiter's temple was on the summit of the Alban hills.

"Et residens celsa Latialis Jupiter Alba."
(Lucan, i. 198.)

"On the summit of Monte Cavo (Mons Albanus) there is now the monastery of the Passionists, on the site of the old temple of Jupiter. The last remains of this celebrated building, where the Latin States celebrated yearly the Feriae Latinae, were destroyed about forty years ago, and the huge stones of the wall were used for making an enclosure to the garden of the monastery, and for similar purposes. The summit is about 3000 feet high, and commands a view of all the coast from Terracina to Capo Linaro, near Cività Vecchia. The two lakes of Albano and Nemi (Albanus et Nemorensis), which seem to lie almost perpendicularly below the mountain top, present a singular appearance; they look like two huge spectacle glasses" (Westphal, Die Römische Kampagne, p. 35, A.D. 1829).

Bonae Deae] "Occurrit ei circa horam nonam Clodius paulo ultra Bovillas rediens ab Aricia prope eum locum in quo Bonae Deae sacellum est" (Asconius, Introd.).—'T. Sextii Galli:' 'T. Sergii Galli,' Baiter; T. E. have 'Serti:' P. has 'Sergi.' "Libri calamo exarati in Germania *Sertii*, et vero *Cn. Sertii* mentio in Verrem lib. ii. cap. 48" (Gruter). See Verr. ii. 2, c. 48, and the note on 'Cn. Sertium.'—'illo judicio:' the notorious trial of Clodius for violating the mysteries of the Bona Dea. Clodius had been acquitted on this trial (c. 5).

32. *sine imaginibus . . . sine funere*]

sine laudationibus, sine funere, oblitus cruore et luto, spoliatus illius supremi diei celebritate, cui cedere inimici etiam solent, amburetur abjectus. Non fuisse credo fas clarissimorum virorum formas illi taeterrimo parricidae aliquid decoris afferre, neque ullo in loco potius mortem ejus lacerari quam in quo vita esset damnata.

Dura mihi, me dius fidius, jam fortuna populi Romani et crudelis videbatur, quae tot annos illum in hanc rem publicam insultare [videret et] pateretur. Polluerat stupro sanctissimas religiones, senatus gravissima decreta perfregerat, pecunia se a judicibus palam redemerat, vexarat in tribunatu senatum, omnium ordinum consensu pro salute rei publicae gesta resciderat, me patria expulerat, bona diripuerat, domum incenderat, liberos, conjugem meam vexaverat, Cn. Pompeio nefarium bellum indixerat, magistratuum privatorumque caedes fecerat, domum mei fratris incenderat, vastarat Etruriam, multos sedibus ac fortunis ejecerat; instabat, urgebat; capere ejus amentiam civitas, Italia, provinciae, regna non poterant; incidebantur jam domi leges quae nos nostris servis addicerent, nihil erat cujusquam quod quidem ille adamasset, quod non hoc anno suum fore putaret. Obstabat ejus cogitationibus nemo praeter Milonem. Illum ipsum, qui obstare poterat, novo

In the Roman funeral pomps, the 'imagines' were carried in procession, of which there is an example in the funeral of Junia (Tacit. Ann. iii., last chapter). Those of the Claudii would have made a magnificent display (clarissimorum virorum formas). 'Tibicines' and 'cornicines' made the 'cantus;' gladiators, the 'ludi' at the funeral pile. The 'exsequiae' was the whole train or procession. The 'lamenta' were paid for, and made by hired women, so that the funeral could in modern language be said to be performed. There was no funeral oration (laudatio) for Clodius. Abrami explains 'sine funere' thus: "sine cadaveris facibus et funalibus stipati elatione." But Halm's is the true explanation: the words 'sine funere' as the last member resume all those members which precede; and 'sine funere' means in a word 'without the usual funeral solemnities.' 'Cedere' is the reading of P. T. E. S., in place of which some editions have 'concedere.' Clodius was deprived 'of the attendance (celebritas) of people on that last day, when even enemies are used to give way to the occasion:' even enemies attend a man's funeral. — 'mortem:' 'his death' means his dead body, but for rhetorical effect he places death and life, all the actions of Clodius' life, in opposition.

[*videret et*]] S. — 'Polluerat stupro:' an allusion to the scandalous affair of the Bona Dea, followed by a list of the enormities of Clodius, which will be familiar to those who have read the previous orations. —'pro salute . . . gesta:' what had been done by Cicero in the matter of the conspirators, as Manutius and others correctly explain it.—'domum mei fratris:' this took place after the recall of Cicero, and in the latter part of B.C. 57. The story of this riot is told in a letter to Atticus (iv. 3).

incidebantur . . . addicerent] "Significasse jam puto nos fuisse inter leges P. Clodii quas ferre proposuerat eam quoque qua libertini, qui non nisi in urbanis tribubus suffragium ferebant, possent in rusticis quoque tribubus, quae propriae ingenuorum sunt, ferre" (Ascon.). Cicero expresses this 'oratorie,' 'laws designed to make us over to slaves.' He says that Clodius was getting the 'leges' cut on bronze tablets (aera legum) in his house, as if he was sure that he would carry them. This is a monstrous oratorical exaggeration. —'Illum ipsum:' Cn. Pompeius. See c. 8.—'dicebat:' '*ducebat* Bakius' (Baiter), who prudently keeps the text.

reditu in gratiam quasi devinctum arbitrabatur; Caesaris potentiam suam esse dicebat; bonorum animos in meo casu contempserat; Milo unus urgebat. XXXIII. Hic dii immortales, ut supra dixi, mentem illi perdito ac furioso dederunt ut huic faceret insidias. Aliter perire pestis illa non potuit: numquam illum res publica suo jure esset ulta. Senatus, credo, praetorem eum circumscripsisset. Ne quum solebat quidem id facere, in privato eodem hoc aliquid profecerat. An consules in praetore coercendo fortes fuissent? Primum, Milone occiso habuisset suos consules. Deinde, quis in eo praetore consul fortis esset, per quem tribunum virtutem consularem crudelissime vexatam esse meminisset? Oppressisset omnia, possideret, teneret; lege nova, quae est inventa apud eum cum reliquis legibus Clodianis, servos nostros libertos suos fecisset. Postremo, nisi eum dii immortales in eam mentem impulissent, ut homo effeminatus fortissimum virum conaretur occidere, hodie rem publicam nullam haberetis. An ille praetor, ille vero consul, si modo haec templa atque ipsa moenia stare eo vivo tamdiu et consulatum ejus exspectare potuissent, ille denique vivus mali nihil fecisset, qui mortuus uno ex suis satellitibus [Sex. Clodio] duce curiam incenderit? Quo quid miserius, quid acerbius, quid luctuosius vidimus? Templum sanctitatis, amplitudinis, mentis, consilii publici, caput urbis, aram sociorum, portum omnium gentium, sedem ab universo populo Romano concessam uni ordini, inflammari, exscindi, funestari, neque id fieri a multitudine imperita, quamquam esset miserum id ipsum, sed ab uno! Qui quum tantum ausus sit ustor pro mortuo, quid signifer pro vivo non esset ausus? In curiam potissimum abjecit, ut eam mortuus incenderet quam vivus everterat. Et sunt qui de via Appia querantur, taceant de

33. *circumscripsisset*] 'condemnasset' (Manutius). But 'circumscribere' here means to limit his power, perhaps to deprive him of it, as in a letter of Cicero to Atticus (vii. 9): "aut senatusconsulto circumscriptus aut sublatus aut expulsus." 'Credo' is ironical, as usual.

virtutem consularem] 'Consular merit,' the merit of a man who had himself been consul. 'Virum consularem' is a common reading in the printed books, but Baiter says nothing about it.—'quae est inventa . . . Clodianis:' Bake supposes these words to be an interpolation.

Sex. Clodio] These words are supposed to be an interpolation, for, as Madvig remarks, the mention of a particular name (Sex. Clodius) spoils the force of the sentence.

consilii publici] 'Consilium publicum' is a name for the Senate; but, as Halm remarks, it seems here to mean 'the temple in which the public interests are deliberated on.'—'caput urbis:' 'caput orbis,' C.; "Basilicanus *orbis*, forsan vere; imo certe, si alicubi *orbem* dixit pro *orbe terrarum*" (Gruter).—'funestari:' Halm quotes Pro Rabirio, Perduell. c. 4, "ego qui funestari contionem contagione carnificis veto." A sacred place was polluted by death or a dead body.

ustor] Baiter says nothing of the reading 'ultor.' "Ustor," says Gruter, is "a Coloniensibus membranis." Graevius prefers 'ultor.'

de via Appia] As if it made the crime greater for Clodius to be killed on the road

curia, et qui ab eo spirante forum putent potuisse defendi, cujus non restiterit cadaveri curia? Excitate, excitate ipsum, si potestis, ab inferis. Frangetis impetum vivi, cujus vix sustinetis furias insepulti? nisi vero sustinuistis eos, qui cum facibus ad curiam concurrerunt, cum falcibus ad Castoris, cum gladiis toto foro volitarunt. Caedi vidistis populum Romanum, contionem gladiis disturbari, quum audiretur silentio M. Caelius, tribunus plebis, vir et in re publica fortissimus et in suscepta caussa firmissimus, et bonorum voluntati et auctoritati senatus deditus, et in hac Milonis sive invidia sive fortuna singulari divina et incredibili fide.

XXXIV. Sed jam satis multa de caussa: extra caussam etiam nimis fortasse multa. Quid restat nisi ut orem obtesterque vos, judices, ut eam misericordiam tribuatis fortissimo viro, quam ipse non implorat, ego etiam repugnante hoc et imploro et exposco? Nolite, si in nostro omnium fletu nullam lacrimam aspexistis Milonis, si vultum semper eundem, si vocem, si orationem stabilem ac non mutatam videtis, hoc minus ei parcere: haud scio an multo sit etiam adjuvandus magis. Etenim si in gladiatoriis pugnis et infimi generis hominum conditione atque fortuna timidos atque supplices et ut vivere liceat obsecrantes etiam odisse solemus, fortes atque animosos et se acriter ipsos morti offerentes servare cupimus, eorumque nos magis miseret, qui nostram misericordiam non requirunt quam qui illam efflagitant, quanto hoc magis in fortissimis civibus facere debemus? Me quidem, judices,

which his ancestor made.—'ab eo . . . defendi:' against him.

falcibus] 'S., facibus T. E., fascibus, Lambinus' (Baiter). The commentators, so far as I have seen, could not understand 'falcibus.' Halm says they are "implements for breaking, to pull down the steps of Castor's temple with, and so to change it into a kind of fortress." Caesar (B. G. iii. 14) speaks of 'falces murales,' hooks at the end of long poles. I have been told that large hooks at the end of long poles are used in some French villages to pull down burning houses, and stop the progress of the flames.

M. Caelius] Cicero's young friend, whom he had defended (Pro M. Caelio). Cicero speaks of his tribuneship (Brutus, c. 79): "talis tribunus pl. fuit ut nemo contra civium perditorum popularem turbulentamque dementiam a senatu et a bonorum caussa steterit constantius."

singulari] "This word belongs to *fortuna*. Why also neither to *invidia* nor to *fide?*" (Halm.) The reader may answer the question.

34. *lacrimam*] Plutarch (Cicero, c. 35, quoted by Abrami) after speaking of Cicero's trepidation when he began to speak for Milo, says "Milo himself bravely and courageously assisted at the trial, and would not deign to let his hair grow or to change his dress for a dark one, which seems to have contributed in no small degree to his condemnation."

odisse solemus] 'We call for their death,' which he expresses in less odious terms, as his friend Caesar, when he massacred his prisoners, called it "treating them as enemies" (B. G. i. 28). The contrast is in the words 'servare cupimus.' Compare Pro Sestio, c. 37, with this disgusting passage. The barbarians, whom the Romans had slaughtered for their holidays in the day of their proudest tyranny, repaid them afterwards, but the just vengeance fell on the degenerate descendants of the masters of the world.

exanimant et interimunt hae voces Milonis, quas audio assidue et quibus intersum quotidie.—Valeant, inquit, valeant, cives mei, sint incolumes, sint florentes, sint beati, stet haec urbs praeclara mihique patria carissima, quoquo modo erit merita de me. Tranquilla re publica mei cives, quoniam mihi cum illis non licet, sine me ipsi, sed propter me tamen perfruantur. Ego cedam atque abibo. Si mihi bona re publica frui non licuerit, at carebo mala; et quam primam tetigero bene moratam et liberam civitatem, in ea conquiescam. O frustra, inquit, mihi suscepti labores! o cogitationes inanes meae! Ego quum tribunus plebis re publica oppressa me senatui dedissem, quem exstinctum acceperam, equitibus Romanis, quorum vires erant debiles, bonis viris, qui omnem auctoritatem Clodianis armis abjecerant, mihi umquam bonorum praesidium defuturum putarem? Ego, quum te (mecum enim saepissime loquitur) patriae reddidissem, mihi putarem in patria non futurum locum? Ubi nunc senatus est quem secuti sumus? ubi equites Romani illi, illi, inquit, tui? ubi studia municipiorum? ubi Italiae voces? ubi denique tua, M. Tulli, quae plurimis fuit auxilio vox atque defensio? Mihine ea soli, qui pro te toties morti me obtuli, nihil potest opitulari?—

XXXV. Nec vero haec, judices, ut ego nunc flens, sed hoc eodem loquitur vultu quo videtis. Negat enim se, negat ingratis civibus fecisse quae fecerit: timidis et omnia circumspicientibus non negat. Plebem et infimam multitudinem, quae P. Clodio duce fortunis vestris imminebat, eam, quo tutior esset vestra vita, se fecisse commemorat ut non modo virtute flecteret, sed etiam tribus suis patrimoniis deleniret, nec timet ne, quum plebem mu-

propter me] P.; T. E. S. have 'per me.'—'bona re publica:' P. The order 're publica bona' would be pronounced to be bad by a well trained ear; but it is printed in some editions.—'quam primam:' the MSS. have 'quam primum.' But Ernesti corrected it.

O frustra . . . inanes meae] Quoted by Quintilian (vi. 1. 27).—'vires debiles:' see c. 14, and the note about the Equites.

35. *ut ego nunc flens*] This was said 'flens,' or if not said, but only written, it is affirmed that it might be and ought to be pronounced 'flens.' Perhaps 'flens' may mean 'flebili voce.' However we conclude certainly that a Roman orator could and did assume all the pathos that his subject required, that he acted his part, which he must have done with perfect art, if he did it successfully, for the interval between the pathetic and the ludicrous is very small.—'se, negat:' Baiter puts 'se' after 'fecisse.'—'ingratis:' 'for he says, yes, he says that the citizens are not ungrateful, for whom he has done what he has done; that they are not timid and over cautious he does not say.' E. has 'pericula circumspicientibus.' Graevius says that Abrami did not understand 'ingratis,' taking it to mean 'ungrateful.' He says it means 'quibus invisum est id quod factum est;' and he gives examples of 'ingratum' in that sense, as Terence, Hauton. (v. 1, 61): "Ignosces tamen Post, et id ingratum." I do not think that Graevius is right.

tribus . . . patrimoniis] "Puto jam supra esse dictum Milonem ex familia fuisse Papia,

neribus placarit, vos non conciliarit meritis in rem publicam singularibus. Senatus erga se benevolentiam temporibus his ipsis saepe esse perspectam, vestras vero et vestrorum ordinum occursationes, studia, sermones, quemcumque cursum fortuna dederit, se secum ablaturum esse dicit. Meminit etiam sibi vocem praeconis modo defuisse quam minime desiderarit, populi vero cunctis suffragiis, quod unum cupierit, se consulem declaratum; nunc denique, si haec arma contra se sint futura, sibi facinoris suspicionem, non facti crimen obstare. Addit haec, quae certe vera sunt, fortes et sapientes viros non tam praemia sequi solere recte

deinde adoptatum esse ab C. Annio avo suo materno. Tertium patrimonium videtur significare matris, aliud enim quod fuerit non invenio" (Ascon.). Halm bids us observe how the art of the orator succeeds in giving even a favourable side to the illegal bribery of Milo. Abrami refers to a passage in Cicero's letters (Ad Q. Fr. iii. 9, § 2), in which he expresses his real opinion of Milo's profusion: "Angit unus Milo, sed velim finis afferat consulatus, in quo enitar non minus quam sum enisus in nostro. De quo caetera, nisi plane vis eripuerit, recte sunt: de re familiari timeo: ὁ δὲ μαίνεται οὐκέτ' ἀνεκτῶς, qui ludos HS CCCIↃↃↃ comparet." Milo spent his money and got deep in debt: "Ipsum Milonem sestertium septingenties aeris alieni debuisse inter prodigia animi humani duco" (Plin. 36, c. 15, quoted by Abrami). We must suppose that he borrowed money on the prospect of the consulship, and his creditors like modern usurers ran the risk, for it is certain that they were never paid. Caesar laid out his money more successfully. Cicero delivered a speech in the senate (B.C. 53) intitled 'Interrogatio de Aere alieno Milonis,' in answer to an attack of P. Clodius on Milo. Mai has published a fragment of a commentary on this speech, which commentary he supposes to be by Asconius Pedianus. The Argumentum explains the occasion and the object of Cicero's speech: "Cum igitur obnixe contenderet Clodius non oportere qui magno aere alieno defaeneratus praedae videretur habiturus esse remp., contradixit ejus insectationi M. Cicero, qui familiaritate praecipua Milonem diligebat ob id maxime meritum, quod restitutionem suae dignitatis ab eodem tribuno plebis meminerat adjutam."

vestrorum ordinum] The Equites and the Tribuni Aerarii, the representatives of the Plebs, for the senate has been already mentioned (Halm).

praeconis] The Praeco proclaimed the result of the elections, and the presiding magistrate formally declared the successful candidates (renuntiavit). Pro Murena, c. 1. There was no formal election in Milo's case, for the election was interrupted, as some say; or Cicero merely means that the people had shown how they would vote. He is speaking 'oratorie.'—'haec arma:' the troops which Pompeius had placed about the Forum during this trial (c. 1). The 'facinoris suspicionem' is some suspicion of Milo having a design against Cn. Pompeius' life, or against the State, as Abrami explains it. The 'facti crimen,' 'a charge founded on what he had done,' the death of Clodius.

non tam praemia] This is probably some philosophical theme which Cicero laid hold of for the occasion—that good men do not seek a reward for their goodness, but rather do what they do, because it is right to do it. Abrami supposes that Seneca (De Benef. i. c. 1) had this passage before him, because he says the same thing. In another passage (Ep. 81) Seneca says it well: "Virtutum omnium pretium in ipsis est, non enim exercentur ad praemium. Recte facti fecisse merces est." It is not an unmeaning doctrine, though it may have been preached by men who did not practise it, and though Cicero may have used it for mere rhetorical effect. He says many good things, which his great reading furnished him with, but his practice was very much below his preaching. The highest virtue that we can conceive is the virtue which has its satisfaction in the virtuous act or in the virtuous life, claims nothing more as a consequence, and looks to nothing more as a motive. "Epictetus," says Mrs. Carter, "strongly insists that a bad man hath no other punishment than being such, and a good man no other reward" (B. i. c. 12, p. 66; B. iii. c. 7, p. 36, &c.). In a note she adds "The

factorum quam ipsa recte facta, se nihil in vita nisi praeclarissime fecisse, siquidem nihil sit praestabilius viro quam periculis patriam liberare; beatos esse quibus ea res honori fuerit a suis civibus, nec tamen eos miseros qui beneficio cives suos vicerint; sed tamen ex omnibus praemiis virtutis, si esset habenda ratio praemiorum, amplissimum esse praemium gloriam; esse hanc unam quae brevitatem vitae posteritatis memoria consolaretur, quae efficeret ut absentes adessemus, mortui viveremus, hanc denique esse cujus gradibus homines etiam in caelum viderentur ascendere.—De me, inquit, semper populus Romanus, semper omnes gentes loquentur, nulla umquam obmutescet vetustas. Quin hoc tempore ipso, quum

only passage that I can recollect in which any intimation seems to be given of a future reward is in the xvth chapter of the Enchiridion; and probably even there he means only a happiness to be enjoyed in the present life after due improvement in philosophy, though he expresses it by the very strong figures of partaking the feasts and empire of the gods." This lady, who made a tolerable translation of Epictetus, has added to it very indifferent notes. She could not look at her author impartially. The Stoic philosophy had now got a footing in Rome, and it is a curious inquiry to discover what its practical use was. Cicero was no Stoic. He spoke for the occasion, but still we may learn from him something of opinion about matters on which human affairs mainly turn. The Stoics were divided in opinion of another life, but their doctrine was sound whether there is another life or not. Improvement in virtue is conformable to the nature of things, and he who has improved in virtue is in a fit state to enjoy another and a happier existence. And this is the view of Bp. Butler (Vol. iii. Pro Archia, c. 12, and the note).

gloriam] I have in several places touched on Cicero's glory. Here it is the fame and reputation which survive the man and by anticipation console him in life. In the Pro Marcello, c. 8, he defines 'gloria' very well: "siquidem gloria est," &c. The French talk and write much of 'glory.' A great deal of their glory is a very mean trivial matter, below Cicero's present definition, but contained in another definition which I shall presently quote. The English are sparing in speaking of glory. Their talk is more of profit, something more substantial than the Frenchman's glory. Ideas like glory, differently conceived by different nations, make a large part of their respective character, and affect human affairs much more than many people may suppose.

Cicero, who is little consistent in his opinions, and, as I think, because he generally took them from some of his Greek books, and had no settled opinions of his own, has a good passage on 'gloria' in the Tusculan Disput. iii. 2. There is a 'gloria' which is "solida res et expressa, non adumbrata: ea est consentiens laus bonorum, incorrupta vox bene judicantium de excellente virtute: ea virtuti resonat tamquam imago. Quae quia recte factorum plerumque comes est, non est bonis viris repudianda. Illa autem quae se ejus imitatricem esse vult, temeraria atque inconsiderata, et plerumque peccatorum vitiorumque laudatrix, fama popularis, simulatione honestatis formam ejus pulcritudinemque corrumpit. Qua caecitate homines, quum quaedam etiam praeclara cuperent, eaque nescirent nec ubi nec qualia essent, funditus alii everterunt suas civitates, alii ipsi occiderunt." This second glory, the ape of the first, is Bonaparte's glory.

Abrami, who furnishes references for all these matters, refers to Aristotle's story of Dion's attempt against Dionysius (Politik, v. 10). "Dion said that he was content to die in the enterprize even if it did not succeed, for it would be an honourable death to die in the attempt to destroy a tyrant. He sought not power nor reward, but fame (δόξα)." The prudent philosopher knew men well, when he said that very few are moved by such a motive, for the foundation of such a resolution must be indifference to loss of life, which would follow if a man should not succeed in his attempt. Men however, he says well, who would do such things must have Dion's notion, "but it is not an easy matter to find many men of that mind."

Quin] Nay, even at this very time.—

omnes a meis inimicis faces meae invidiae subjiciantur, tamen omni in hominum coetu gratiis agendis et gratulationibus habendis et omni sermone celebramur.—Omitto Etruriae festos et actos et institutos dies: centesima lux est haec ab interitu P. Clodii et opinor altera: qua fines imperii populi Romani sunt, ea non solum fama jam de illo, sed etiam laetitia peragravit. Quamobrem ubi corpus hoc sit, non, inquit, laboro, quoniam omnibus in terris et jam versatur et semper habitabit nominis mei gloria.

XXXVI. Haec tu mecum saepe his absentibus, sed iisdem audientibus haec ego tecum, Milo.—Te quidem quum isto animo es satis laudare non possum, sed quo est illa magis divina virtus, eo majore a te dolore divellor. Nec vero, si mihi eriperis, reliqua est illa tamen ad consolandum querela, ut his irasci possim a quibus tantum vulnus accepero. Non enim inimici mei te mihi eripient, sed amicissimi, non male aliquando de me meriti, sed semper optime.—Nullam umquam, judices, mihi tantum dolorem inuretis,—etsi quis potest esse tantus?—sed ne hunc quidem ipsum, ut obliviscar quanti me semper feceritis. Quae si vos cepit oblivio, aut si in me aliquid offendistis, cur non id meo capite potius luitur quam Milonis? praeclare enim vixero, si quid mihi acciderit prius quam hoc tantum mali videro. Nunc me una consolatio sustentat, quod tibi, T. Anni, nullum a me amoris, nullum studii, nullum pietatis officium defuit. Ego inimicitias potentium pro te appetivi: ego meum saepe corpus et vitam objeci armis inimicorum tuorum: ego me plurimis pro te supplicem objeci: bona, fortunas meas ac liberorum meorum in communionem tuorum temporum contuli: hoc denique ipso die, si qua vis est parata, si qua dimicatio capitis futura, deposco. Quid jam restat? quid habeo? quid faciam pro tuis in me meritis, nisi ut eam fortunam, quaecumque erit tua, ducam meam? Non recuso, non abnuo; vosque obsecro, judices, ut vestra beneficia, quae in me contulistis, aut in hujus salute augeatis aut in ejusdem exitio occasura esse videatis.

'actos et institutos:' 'celebrated and instituted for an annual solemnity.'

centesima lux . . . et . . . altera] See the Introduction, p. 323, and the note. The word 'opinor' expresses no doubt. It is the usual expression.

36. *illa tamen*] 'illa saltem' C. S.—'his:' E.; 'iis' T.; 'eis' S. and Baiter.—'quae . . . . . oblivio:' 'if forgetfulness of these things has come on you.' Halm compares 'qua invidia,' c. 27, which means 'cujus rei invidia.'

meum saepe] I know nothing of Cicero having exposed his life for Milo. It may however be as true as other things that he says.—'quid habeo quod faciam:' Baiter.

dimicatio] 'diminutio' E., and in some editions.—'ducam meam:' he might write this. He would hardly have the face to say it. The Epilogus of the oration Pro Sestio may be compared with this.

XXXVII. His lacrimis non movetur Milo,—est quodam incredibili robore animi,—exsilium ibi esse putat, ubi virtuti non sit locus: mortem naturae finem esse, non poenam.—Sed hic ea mente qua natus est; quid vos, judices, quo tandem animo eritis? Memoriam Milonis retinebitis, ipsum ejicietis? et erit dignior locus in terris ullus qui hanc virtutem excipiat quam hic qui procreavit? Vos, vos appello, fortissimi viri, qui multum pro re publica sanguinem effudistis: vos in viri et in civis invicti periculo appello, centuriones, vosque milites: vobis non modo inspectantibus, sed etiam armatis et huic judicio praesidentibus, haec tanta virtus ex hac urbe expelletur, exterminabitur, projicietur? O me miserum, o me infelicem! revocare tu me in patriam, Milo, potuisti per hos: ego te in patria per eosdem retinere non potero? Quid respondebo liberis meis qui te parentem alterum putant? quid tibi, Quinte frater, qui nunc abes, consorti mecum temporum illorum? Mene non potuisse Milonis salutem tueri per eosdem per quos nostram ille servasset? At in qua caussa non potuisse? quae est grata gentibus. A quibus non potuisse? ab iis qui maxime P. Clodii morte acquierunt. Quo deprecante? me. Quodnam ego concepi tantum scelus, aut quod in me tantum facinus admisi, judices, quum illa indicia communis exitii indagavi, patefeci, protuli, exstinxi? Omnes in me meosque redundant ex fonte

37. *mortem . . . poenam*] See In Cat. iv. c. 4. The origin of this saying seems to be Anaxagoras (Diog. Laert. Lib. i. Anaxagoras), as Abrami says. The passage is like it,—"When Anaxagoras, who had left Athens, heard that the Athenians had condemned him to death, he said, 'Nature has long since passed this sentence both on them and on me.'" The saying is also attributed to Socrates.—'qui procreavit.' Halm says that Cicero could say this, though Milo was born at Lanuvium, for Rome was the place of his citizenship, and he quotes a passage from Cicero (De Legg. ii. c. 2): "ego mehercule et illi et omnibus municipibus duas esse censeo patrias, unam naturae, alteram civitatis."

O me miserum . . . non potero ?] Quoted by Quintilian (vi. 1, 24), who says that the orator sometimes makes the 'miseratio' his own personal affair, and particularly if, as it happened in this case, it would not be consistent for the accused to attempt to excite commiseration: "Nam quis ferret Milonem pro capite suo supplicantem, qui a se virum nobilem interfectum quia id fieri oportuisset fateretur? Ergo et ille captavit ex ipsa praestantia animi favorem et in locum lacrimarum ejus ipse successit."

abes] Quintus went to Caesar in B.C. 54, and he was with him during the busy year of B.C. 52. Caesar says nothing of Quintus' services during that campaign, but his name occurs at the end of the seventh book (c. 90), where Caesar is speaking of the distribution of his legions after the capture of Alesia. Quintus and P. Sulpicius were placed at Cabillonum and Matisco (Châlon sur Saône and Mâcon) to look after the supplies of the army.

gentibus . . . ab iis] S. Baiter writes 'grata * * * gentibus non potuisse ? iis qui maxime,' &c. Halm has 'quae est grata gentibus : * * * non potuisse ? iis qui maxime.' 'Gentibus' alone seems unusual. We should look for 'omnibus gentibus' or something of the kind, as in c. 35, 'omnes gentes.' After 'gentibus,' Madvig proposes to write 'Quibus judicantibus non potuisse ? iis qui,' &c.

illa indicia . . . exstinxi] 'All the things of which I was informed,' for so 'indicia' seems to mean when we refer it to 'exstinxi.' But the other words 'inda-

illo dolores. Quid me reducem esse voluistis? An ut inspectante me expellerentur ii per quos essem restitutus? Nolite, obsecro vos, acerbiorem mihi pati reditum esse quam fuerit ille ipse discessus. Nam qui possum putare me restitutum esse, si distrahar ab iis per quos restitutus sum? XXXVIII. Utinam dii immortales fecissent—pace tua, patria, dixerim, metuo enim ne scelerate dicam in te quod pro Milone dicam pie—utinam P. Clodius non modo viveret, sed etiam praetor, consul, dictator esset potius quam hoc spectaculum viderem! O dii immortales! fortem et a vobis, judices, conservandum virum!—Minime, minime, inquit. Immo vero poenas ille debitas luerit: nos subeamus, si ita necesse est, non debitas.—Hiccine vir patriae natus usquam nisi in patria morietur, aut, si forte, pro patria? Hujus vos animi monumenta retinebitis, corporis in Italia nullum sepulcrum esse patiemini? hunc sua quisquam sententia ex hac urbe expellet, quem omnes urbes expulsum a vobis ad se vocabunt? O terram illam beatam quae hunc virum exceperit, hanc ingratam si ejecerit, miseram si amiserit! Sed finis sit; neque enim prae lacrimis jam loqui possum, et hic se lacrimis defendi vetat. Vos oro obtestorque,

gavi,' &c. refer to the discovery of the conspiracy. Abrami thinks that something may be wanting like 'quum illam flammam conjurationis exstinxi.' But reverence to antiquity prevented him from making any change.

38. *Minime . . . inquit*] Milo.—'animi monumenta:' the record or memorial of Milo's great mind; or 'the things which we owe to his great mind,' as Halm explains it.

Sed finis . . . loqui possum] Quoted by Quintilian (xi. 3. 173): "Illa quoque mire facit in peroratione velut deficientis dolore et fatigatione confessio: ut pro eodem Milone, 'Sed finis . . . possum:' quae similem verbis habere debent etiam pronuntiationem." The whole of this third chapter of Quintilian is worth reading. It shows how much more there was in Roman oratory than in the frigid talk of our men who are called speakers. As to 'pronuntiatio,' says Quintilian, "a plerisque actio dicitur, sed prius nomen a voce, sequens a gestu videtur accipere. Namque actionem Cicero alias quasi sermonem, alias eloquentiam quandam corporis dicit. Idem tamen duas ejus partes facit, quae sunt eaedem pronuntiationis, vocem atque motum. Quapropter utraque appellatione indifferenter uti licet. Habet autem res ipsa miram quandam in orationibus vim ac potestatem. Neque enim tam refert qualia sint, quae intra nosmetipsos composuimus, quam quo modo efferantur, nam ita quisque ut audit movetur." So we who read the ancient orators have only a part of what they said; and the Greek dramatists are feebly conceived by the mere reading of them, particularly when they are read by a man who has little feeling for art. Quintilian has an excellent remark on acting and speaking: "Documento sunt vel scenici actores, qui et optimis poetarum tantum adjiciunt gratiae ut nos infinite magis eadem illa audita quam lecta delectent, et vilissimis etiam quibusdam impetrant aures ut, quibus nullus est in bibliothecis locus, sit etiam frequens in theatris. Quod si in rebus, quas fictas esse scimus et inanes, tantum pronuntiatio potest ut iram, lacrimas, sollicitudinem afferat, quanto plus valeat necesse est ubi et credimus? Equidem vel mediocrem orationem commendatam viribus actionis affirmaverim plus habituram esse momenti quam optimam eadem illa destitutam." The great master of oratory, Demosthenes, laid so much stress on 'pronuntiatio,' that he considered it the first, indeed the only thing; an exaggerated expression, but intended to show what he thought of 'pronuntiatio.' In truth, human speech is the greatest power that man possesses, and the most abused, misused, and neglected.

lacrimis] See the end of the oration Pro Plancio.

judices, ut in sententiis ferendis quod sentietis id audeatis. Vestram virtutem, justitiam, fidem, mihi credite, is maxime probabit, qui in judicibus legendis optimum et sapientissimum et fortissimum quemque elegit.

sentietis] 'sentiatis' B.

qui in judicibus legendis] Pompeius. See the Introduction of Asconius.—'elegit:' T. H. The other readings are 'legit' and 'delegit.'

This is what Asconius says about the result of the trial:—

"Peracta utrimque caussa singuli quinos accusator et reus senatores, totidem equites et tribunos aerarios rejecerunt, ita ut unus et L sententias tulerint. Senatores condemnarunt XII, absolverunt VI; equites condemnaverunt XIII, absolverunt IIII; tribuni aerarii condemnaverunt XIII, absolverunt III. Videbantur non ignorasse judices inscio Milone initio vulneratum esse Clodium, sed compererant postquam vulneratus esset jussu Milonis occisum. Fuerunt qui crederent M. Catonis sententia eum esse absolutum, nam et bene cum re publica actum esse morte P. Clodii non dissimulaverat, et studebat in petitione consulatus Miloni et reo affuerat. Nominaverat quoque eum Cicero praesentem et testatus erat audisse a M. Favonio ante diem tertium quam caedes facta erat Clodium dixisse perituro esse eo triduo Milonem. Sed Milonis quoque notam audaciam .... vetiar e p .... utile visum est sciret .... ne umquam potuit, utram sententiam .... damnatum autem opera maxime Appii Claudii pronuntiatum est. Milo postero die factus reus ambitus apud Manlium Torquatum absens damnatus est. Illa quoque lege accusator fuit ejus Appius Claudius et quum ei praemium lege daretur negavit reo ita. Subscripserunt et in ambitus judicio P. Valerius Leo et Cn. Domitius, Cn. F. Post paucos dies quoque Milo apud Favonium quaesitorem de sodaliciis damnatus est, accusante P. Fulvio Nerato, cui lege praemium datum est. Deinde apud

M. Catonis] Halm quotes Vell. Paterculus ii. 47: "Milonem reum non magis invidia facti quam Pompeii damnavit voluntas. Quem quidem M. Cato palam lata absolvit sententia, qui si maturius tulisset, non defuissent qui sequerentur exemplum probarentque eum civem occisum, quo nemo perniciosior rei publ. neque bonis inimicior vixerat." Velleius says that the meeting of Clodius and Milo was accidental, 'contracta ex occursu rixa.' He also says that Cato voted openly: he showed his voting tablet, though it was the rule that the voting should be secret.

Nominaverat . . . Favonio] See c. 9 and c. 16.

notam audaciam] Halm's text continues thus: 'audaciam averti a re publica utile visum est; scire tamen nemo unquam potuit utram sententiam tulisset:' 'tamen . . . tulisset' are the supplement of the Hollander Seb. Rau.—'reo ita:' 'se eo uti,' Madvig.

praemium] The reward which was given by certain 'leges' to the prosecutor who succeeded in prosecuting the accused to conviction. It is not known what the reward was under the Lex Pompeia de Ambitu, as Halm remarks. This was the

L. Fabium quaesitorem iterum damnatus est de vi. Accusavit L. Cornificius et Q. Patulcius. Milo in exsilium intra paucissimos dies profectus est. Bona ejus propter alieni aeris magnitudinem semuncia venierunt.

"Post Milonem eadem lege Pompeia primus est accusatus M. Saufeius, M. F., qui dux fuerat in expugnanda taberna Bovillis et Clodio occidendo. Accusaverunt eum L. Cassius, L. Fulcinius, C. F., C. Valerius: defenderunt M. Cicero, M. Caelius, obtinueruntque ut una sententia absolveretur. Condemnaverunt senatores x, absolverunt VIII; condemnaverunt equites Romani VIIII, absolverunt VIII: sed ex tribunis aerariis x absolverunt, VI damnaverunt, manifestumque odium Clodii saluti Saufeio fuit, quum ejus vel pejor caussa quam Milonis fuisset, quod aperte dux fuerat expugnandae tabernae. Repetitus deinde post paucos dies apud Considium quaesitorem est lege Plautia de vi, subscriptione ea quod loca superiora occupasset et cum telo fuisset; nam . . . . . . operarum Milonis. Accusaverunt C. Fidius, Cn. Aponius, Cn. F. M. Seius . . . defenderunt M. Cicero, M. Teren-

Lex de Ambitu enacted B.C. 52, in Pompeius' third consulship. The principal changes which it made in the law De Ambitu were in the mode of procedure. The 'laudationes,' or testimonies to character, were suppressed. This was the last Lex de Ambitu during the Republican period, as it is called. There was a Lex Julia de Ambitu passed in the time of Augustus, B.C. 18, and another, as it seems, B.C. 8; but we do not know wherein they differed. Under Tiberius the farce came to an end (Tacit. Ann. i. 15), and the Comitia, though they were not abolished, were only a form and a show (Dion Cassius, 58, c. 20).

de vi] Under the Lex Plautia.

Bona ejus] 'Bona' the general term for property. His property was sold subject to all the charges on it. It seems it was the practice to sell the man's property, in order to transfer it into other hands, but the sale would only give the 'bonorum possessio,' or the property became the purchaser's 'in bonis.' For it seems the Roman law had not devised a direct way of transferring a man's property to another without the consent of the owner. The purchaser, however, would act as if he were owner, and would reduce the property to money and pay all charges on it. Halm explains 'semuncia' thus: The purchaser bought Milo's property for a 'semuncia,' or one twenty-fourth of the value, this small amount being all that it was worth, as it was subject to all charges.—If this is so, must we suppose that the purchaser got this one twenty-fourth for his trouble, if so much remained after? "The form of this execution was this: the Praetor directed the Quaestores to take possession of the debtor's property (bona possessa), in consequence of which it was considered as property that had fallen to the State (publicata). The Quaestores offered it publicly and by auction to the highest bidder (bona proscripta); the property was sold as a whole, in one mass, knocked down to the purchaser (sector), and became his property on payment of the purchase-money to the treasury (aerarium)." (Puchta, Instit. ii. § 179, first ed.)

This does not explain all. The value of the property might be next to nothing, or nothing at all. The price therefore would not satisfy the demands of the 'aerarium.' If the 'aerarium' had demands, they must have been satisfied out of the produce of the sale, when the 'sector' had disposed of the property as he best could. The question of the State's priority over other creditors (privilegium) does not concern us here.

I am not sure that Halm's explanation is right. How was the value of the property to be ascertained before it was sold? It was sold for what it would bring, and sometimes a farthing would be enough to give. Many bankrupts' estates in England would not be worth a farthing to a purchaser. The whole matter about the sale of property under such circumstances as Milo's, and the payment of the charges, is perhaps not fully understood.

tius Varro Gibba. Absolutus est sententiis plenius quam prius: graves habuit XVIIII, absolutorias II et XXX, sed e contrario hoc ac priore judicio accidit: equites enim ac senatores eum absolverunt, tribuni aerarii damnaverunt.

"Sex. autem Clodius quo auctore corpus Clodii in curiam illatum fuit, accusantibus C. Caesennio Philone, M. Aufidio, defendente T. Flacconio magno consensu damnatus est sententiis VI et XL; absolutorias quinque omnino habuit, duas senatorum, tres equitum. Multi praeterea et praesentes et quum citati non respondissent damnati sunt, ex quibus maxima pars [fuit] Clodianorum."

PRO M. MARCELLO

ORATIO.

INTRODUCTION.

M. Claudius Marcellus, a friend of Cicero, was consul in B.C. 51, with Servius Sulpicius for his colleague. Cicero tells us that Marcellus had been Curule Aedile in the same year as P. Clodius, B.C. 56; and that he aided Milo on his trial for the murder of P. Clodius. In his consulship Marcellus moved in the senate that Caesar should be superseded in his government of the Galliae before the expiration of the time for which the provinces were given to him by the Lex Trebonia, or as Hirtius (B. C. viii. 53) calls it, the Lex of Pompeius and Crassus.

We must be careful in reading the history of the troubles which preceded Caesar's invasion of Italy, to remember that there were three Marcelli consuls in three successive years: M. Claudius Marcellus in B.C. 51; C. Claudius Marcellus in B.C. 50, who was the cousin of M. Marcellus; and C. Claudius B.C. 49, the brother of M. Marcellus.

M. Marcellus (B.C. 51) failed in his attempt to deprive Caesar of his provinces. In B.C. 50 the attempt was again made, and again it failed; but a Senatus Consultum was passed by which Caesar was deprived of two legions, on the pretence that they were wanted for the Parthian war. Early in B.C. 49, in the consulship of C. Claudius Marcellus and L. Cornelius Lentulus, Caesar crossed the Rubicon and occupied Ariminum. Cicero, in a letter to Atticus written in October or November B.C. 50, after he had got to Athens on his return from Cilicia, speaks of the deliberations about Caesar's provinces during the former consulships of the Marcelli, by which he means the Marcelli of 51 and 50. In B.C. 49 there was another Marcellus consul.

M. Marcellus fled from Italy (B.C. 49) with the partizans of Pompeius. After the defeat of Pompeius at Pharsalus he went to Mitylene, where he resided. It does not appear if he was in the battle at Pharsalus, but he may have been. Marcus' brother Caius Marcellus com-

manded a part of Pompeius' fleet in B.C. 48 (B. C. iii. 5), but he is not mentioned afterwards. Caius the cousin did not leave Italy during the civil war, and Caesar pardoned him as well as Cicero.

When Cicero was again settled at Rome, he wrote to Marcellus (Ad Div. iv. 7, 8, 9) several letters, in which he urged him to return and ask for pardon, but Marcellus refused. Cicero tells how the affair was managed in a letter which he addressed to Servius Sulpicius, then governor of Achaea (B.C. 46). L. Piso, Caesar's father-in-law, spoke of M. Marcellus' case in the senate, C. Marcellus threw himself at Caesar's feet, and all the senate rose and approached Caesar in a suppliant manner. Caesar, after blaming the peevish temper of Marcellus, and speaking highly of Servius Sulpicius, who had been Marcellus' colleague in the consulship, all at once, and contrary to expectation, said that he could not refuse the request of the senate, even though it was Marcellus for whom he was solicited. Cicero adds that this day was so glorious that he imagined that he saw something like the image of the republic restored to life: "Itaque quum omnes ante me rogati gratias Caesari egissent praeter Volcatium—is enim si eo loco esset negavit se facturum fuisse—ego rogatus mutavi meum consilium. Nam statueram non mehercule inertia, sed desiderio pristinae dignitatis in perpetuum tacere. Fregit hoc meum consilium et Caesaris magnitudo animi et senatus officium. Itaque pluribus verbis egi Caesari gratias, meque metuo ne etiam in ceteris rebus honesto otio privarim, quod erat unum solatium in malis. Sed tamen quoniam effugi ejus offensionem, qui fortasse arbitraretur me hanc rem publicam non putare, si perpetuo tacerem, modice hoc faciam aut etiam intra modum ut et illius voluntati et meis studiis serviam" (to Sulpicius).

Marcellus wrote a short letter to Cicero (Ad Div. iv. 11) in reply to a letter from C. Marcellus and from Cicero. Drumann describes it as "short and heartless." It is certainly short; but I think that it is a dignified letter, and shows Marcellus to have been a man of firm character. He was in no hurry to come to Rome, and Cicero urged him in another letter (Ad Div. iv. 10), which seems to have been written in B.C. 45.

Servius, the proconsul of Achaea, returning on the 23rd of May from Epidaurus to the Piraeus, found Marcellus there on his way to Rome, and he spent the day with Marcellus. On the day but one after this day, Servius, who was going into Boeotia to hold his courts, received information early in the morning that Marcellus had been assassinated in the Piraeus by his friend and companion P. Magius Cilo, that Magius had killed himself, and that there was some hope of Marcellus recovering. Servius set out to the Piraeus, but he found Marcellus dead. The body was burnt in the Academia, and the Proconsul ordered the Athe-

nians to erect a marble monument to the memory of Marcellus. Servius tells all this to Cicero in a letter (Ad Div. iv. 12). The terms in which this excellent and accomplished man speaks of Marcellus, show that he was esteemed by the best and wisest Roman of the age. Cicero (Brutus, c. 71) says that Marcellus possessed every merit of an orator; on which passage Drumann has this absurd remark: "The letter in which Marcellus informs Cicero of his return to Rome, cannot be taken as evidence of his belonging to the first class of orators." What would some of Cicero's short letters prove, or a single letter, and one of the worst? Why, that he wrote very carelessly, as many men do in their short letters, even those who can write well.

F. A. Wolf declared this oration Pro Marcello to be spurious. Since his time the critics have had different opinions about it, but most of them think that it is genuine. Mai published (1817) some fragments of old Scholia on this oration, which fragments may be from the commentary of Asconius; whence some conclude that it is certain that this speech is the genuine work of Cicero, but those who conclude so have got a conclusion ready in their head, and do not derive it from any premises. The conclusion is that the oration which we have was known to this Scholiast, and that is all that we can conclude.

The speech Pro Ligario was delivered after the speech Pro Marcello (Pro Ligario, c. 12). Plutarch has a story (Cicero, c. 39) about Caesar and Ligarius, which is this: "It is said also that when Quintus Ligarius was under prosecution, because he had been one of Caesar's enemies, and Cicero was his advocate, Caesar said to his friends, 'What hinders us listening after so long an interval to Cicero's speech, since the man has long been adjudged a villain and an enemy?'" Drumann says there is no sense in this, if Cicero had spoken for Marcellus a few months before, as he really had done; and some critics would translate διὰ χρόνου 'after some time,' instead of 'after so long an interval,' and if such a translation will help them, there is no objection to it. I do not see the want of sense in Plutarch's remark about the long interval. The speech for Marcellus was a speech of thanks; that for Ligarius was in the nature of a defence. But however people may judge of this matter, we cannot use Plutarch's anecdote as any evidence against the genuineness of the speech for Marcellus.

I have not Wolf's remarks on this speech, but Drumann quotes some of them in a long note (Geschichte Roms, Vol. vi. 267), from which we see that they are in the same style as his remarks on the four spurious speeches. "This extant speech," says Drumann, "which was admired by the old critics, is declared by Wolf to be a Declamation of the time of Tiberius. He fights against it with still weaker weapons than against the Four." Real criticism has made little progress in Germany since

Wolf's time, and in many respects has gone back. If this great scholar thought that Cicero would not make such a speech as this, it is a conclusion which many men of good judgment and taste will accept. That he either spoke it or wrote it just as it is, I do not believe. That it contains a good deal from Cicero's hand, I also believe; for example, the whole of the last chapter may be his. The conclusion is that Cicero's work was patched by some declamator. Wolf's remark, "Quod saepe hic videmus, non tam singula verba nobis reprehendenda quam universa sententia et compositio," is the judgment of a man of taste. It is the whole which makes the impression. Wolf has found fault with some of the 'singula verba,' and not always judiciously. Another critic says: "From a misunderstanding of some passages in the ancient writers which refer to this speech, and also from deficient skill in the critical handling of the text, many persons since F. A. Wolf have declared this speech to be spurious; yet after the removal of the corruptions in the text by the aid of criticism, with a right explanation of the extant authorities, and a proper comprehension of the circumstances of the time, no doubt will remain that this speech was written by Cicero exactly as we have it; that it is the best production of Cicero's genius, we would not ourselves maintain" (Klotz). One might suppose from these remarks that Klotz thought Wolf no better than a fool. The faults of the speech, whether it is Cicero's or not, are of the same kind as those in the four spurious orations, though this speech probably contains a much larger proportion of Cicero's genuine language. There are no absolute rules by which the genuineness of any work of art can be determined; but when the eye, the ear, the taste have been trained by the best examples, they may form a correct judgment. In the arts, commonly called the fine arts, there are generally some persons whose judgment in doubtful cases may be accepted. In literature this is not so. On some few works there is a unanimous opinion; but on all others there may be difference of opinion, and every man will have his own. So it must be with this speech. Those who can read and admire it must be content with the pleasure which they get, without complaining that others cannot share it.

This speech is edited by Baiter (Orelli's Cicero). The following are the abbreviations of the MSS.

G = cod. Gemblacensis, nunc Bruxellensis n. 5345.
E = cod. Erfurtensis, nunc Berolinensis.
F = cod. Fuldensis, n. 181. 4. C. 20, olim monasterii Weingartensis.
M = cod. Mediceus XLV. Plut. L. saeculi XI. ut fertur.
T = cod. Tegernseensis, nunc Monacensis.
C = codd. mei omnes.
S = Scholiasta Gronovianus (M. Tullii Ciceronis Schol. P. ii. p. 418).

M. TULLII CICERONIS

ORATIO PRO M. MARCELLO

IN SENATU AD C. CAESAREM.

I. DIUTURNI silentii, patres conscripti, quo eram his temporibus usus, non timore aliquo, sed partim dolore, partim verecundia, finem hodiernus dies attulit, idemque initium quae vellem quaeque sentirem meo pristino more dicendi. Tantam enim mansuetudinem, tam inusitatam inauditamque clementiam, tantum in summa potestate rerum omnium modum, tam denique incredibilem sapientiam ac paene divinam tacitus praeterire nullo modo possum. M. enim Marcello vobis, patres conscripti, reique publicae reddito, non illius solum, sed etiam meam vocem et auctoritatem et vobis et rei publicae conservatam ac restitutam puto. Dolebam enim, patres conscripti, et vehementer angebar virum talem, quum in eadem caussa in qua ego fuisset, non in eadem esse fortuna; nec mihi persuadere poteram nec fas esse ducebam versari me in nostro vetere curriculo, illo aemulo atque imitatore studiorum ac laborum meorum quasi quodam socio a me et comite distracto. Ergo et mihi meae pristinae vitae consuetudinem, C. Caesar, interclusam aperuisti, et his omnibus ad bene de omni re publica spe-

1. *his temporibus*] 'not at this time,' but 'under recent circumstances,' since the battle of Pharsalus.—'verecundia:' 'from shame.' Patricius says, "qui consilium meum videbam esse eventu ipso refutatum." The Scholiast says: "Quia non audebam apud te loqui, contra quem arma sumpseram;" which is also Manutius' explanation, and the better explanation.

angebar . . . fuisset] I have followed Baiter. There are various readings, as one might expect in a sentence the form of which might easily be varied.

curriculo] A common metaphor. There is an example in the Brutus, c. 6: "ecquod nam curriculum aliquando sit habitura tua et natura admirabilis et exquisita doctrina et singularis industria." He calls Marcellus his rival and imitator in oratory. (See the Introd.)

randum quasi signum aliquod sustulisti. Intellectum est enim mihi quidem in multis et maxime in me ipso, sed paullo ante [in] omnibus, quum M. Marcellum senatui populoque Romano concessisti, commemoratis praesertim offensionibus, te auctoritatem hujus ordinis dignitatemque rei publicae tuis vel doloribus vel suspicionibus anteferre. Ille quidem fructum omnis ante actae vitae hodierno die maximum cepit, quum summo consensu senatus, tum [praeterea] judicio tuo gravissimo et maximo: ex quo profecto intelligis quanta in dato beneficio sit laus, quum in accepto tanta sit gloria. Est vero fortunatus ille, cujus ex salute non minor paene ad omnes quam ad ipsum ventura sit laetitia pervenerit: quod quidem ei merito atque optimo jure contigit. Quis enim est illo aut nobilitate aut probitate aut optimarum artium studio aut innocentia aut ullo laudis genere praestantior?

II. Nullius tantum flumen est ingenii, nulla dicendi aut scribendi tanta vis, tanta copia, quae non dicam exornare, sed enarrare, C. Caesar, res tuas gestas possit. Tamen affirmo, et hoc pace dicam tua, nullam in his esse laudem ampliorem quam eam quam hodierno die consecutus es. Soleo saepe ante oculos ponere, idque libenter crebris usurpare sermonibus, omnes nostrorum imperatorum, omnes exterarum gentium potentissimorumque populorum,

quasi signum . . . sustulisti] A military metaphor, perhaps intended as a compliment to Caesar. It is the 'vexillum:' "vexillum proponendum, quod erat insigne quum ad arma concurri oporteret" (Caesar, B. G. ii. 20).—'in omnibus:' "codd. noti omnes" (Baiter), who omits 'in.'

2. *Nullius*] 'no man's.' 'Nullius' does not agree with 'ingenii.' Patricius would prefer 'nullum.' Abrami compares Juvenal, x. 118:

"Eloquio sed uterque perit orator, utrumque
Largus et exundans leto dedit ingenii fons."

—'nulla:' there is an inferior reading 'nulli.' Most of this chapter is in very bad taste, and most forcibly feeble, like the talk of those whose eloquence is in sounding words only.

usurpare] See Index, Vol. iii.—'omnes . . . imperatorum:' this was the kind of language Cicero used to employ in his laudations of Cn. Pompeius; but Pompeius was now dead. What he says here is no more than the truth. I do not see why he may not have said it. But the silly sentence 'Quae quidem ego . . . amens sim' he could hardly have written. It is not only in substance a repetition of what he has just said, 'Nullum tamen,' but a piece of senility. If we leave it out, we are relieved. Yet what follows is not much better.—'numero praeliorum:' Pliny 7, c. 25, says: "Caesar signis collatis quinquagies dimicavit, solus M. Marcellum transgressus, qui undequadragies dimicaverat; nam praeter civiles victorias undecies c et XCII millia hominum occisa praeliis ab eo non equidem in gloria posuerim, tantam etiam coactam humani generis injuriam." If Bonaparte did not come up to Caesar in the number of his battles, he destroyed more men; at least he caused the loss of more life, for besides killing his enemies he decimated his own people by continual demands for fresh men to be destroyed for his selfish purposes. Caesar fought in Britain, Germany, Gallia, Spain, Epirus, Thessaly, Africa, Italy, Egypt, and Asia Minor. The rapidity of his movements is astonishing. At the commencement of the Civil War Cicero says of him in B.C. 49: "Sed hoc τέρας horribili vigilantia, celeritate, diligentia est. Plane quid futurum sit nescio" (Ad Att. viii. 9).

omnes clarissimorum regum res gestas cum tuis nec contentionum magnitudine, nec numero praeliorum, nec varietate regionum, nec celeritate conficiendi, nec dissimilitudine bellorum posse conferri; nec vero disjunctissimas terras citius passibus cujusquam potuisse peragrari quam tuis non dicam cursibus, sed victoriis lustratae sunt. Quae quidem ego nisi ita magna esse fatear ut ea vix cujusquam mens aut cogitatio capere possit, amens sim. Sed tamen sunt alia majora. Nam bellicas laudes solent quidam extenuare verbis easque detrahere ducibus, communicare cum multis, ne propriae sint imperatorum; et certe in armis militum virtus, locorum opportunitas, auxilia sociorum, classes, commeatus multum juvant; maximam vero partem quasi suo jure fortuna sibi vindicat, et quidquid prospere gestum est, id paene omne ducit suum. At vero hujus gloriae, C. Caesar, quam es paullo ante adeptus, socium habes neminem. Totum hoc, quantumcumque est, quod certe maximum est, totum est, inquam, tuum. Nihil sibi ex ista laude centurio, nihil praefectus, nihil cohors, nihil turma decerpit; quin etiam illa ipsa rerum humanarum domina Fortuna in istius se societatem gloriae non offert, tibi cedit, tuam esse totam et propriam fatetur; numquam enim temeritas cum sapientia commiscetur, neque ad consilium casus admittitur. III. Domuisti gentes immanitate barbaras, multitudine innumerabiles, locis in-

lustratae] 'illustratae' F. M. T.; but this is not the word wanted here.—'communicare:' see Index, Vol. ii.

suo jure fortuna] See Index, Vol. iii. Caesar himself has some remarks on Fortuna (B. G. vi. 30, 35, 42).

Nihil sibi ex ista laude . . . decerpit] Declamatory, says Wolf. He might have said worse than that. Drumann's answer to Wolf is this: "Then we must conclude that all the speeches are spurious in which Cicero pictures with much more sounding words the crimes of Verres, the horrible designs of Catilina, and the outrageous acts and vices of his private enemies." There are plenty of passages in Cicero such as Drumann alludes to, but why did he not point out one like this, in which the sound is not so striking as the silliness?—Neither centurion, nor commander of horse, neither cohort, nor company of cavalry, plucks a leaf from the victorious bay (decerpit), the crowning work of Caesar, the pardon of Marcellus. Nay, even dame Fortune gives up all claim to share the honour of Caesar's magnanimity —to a man whom he did not fear.—Here is a passage on which those who maintain that this speech is not the genuine work of Cicero, must take their stand. The language is faultless. The thought is ridiculous.

se societatem] The right place of 'se' is doubtful. Baiter places it after 'gloriae,' following G. E.

numquam enim . . . admittitur] We understand his meaning, but it is a rhetorical style, neither precise nor clear. 'Rashness and prudence do not go together.' Fortune may sometimes favour rashness; but prudence does not want her aid. I think Caesar may be sometimes blamed for rashness. The writer says again, 'nor is chance admitted to well-considered measures;' which is pretty much the same thing over again. Feebleness appears in repetition, the infallible sign of want of thought.

3. *Domuisti gentes*] He begins again. He has not said enough; and yet he says too much. But we see why this is said again. It introduces 'animum vincere, iracundiam cohibere;' and the transition from the conquests over men and matter to the conquest of the mind is effected by the 'nulla est . . . possit,' an idle declamator's phrase.

finitas, omni copiarum genere abundantes: sed tamen ea vicisti, quae et naturam et conditionem ut vinci vi possent habebant; nulla est enim tanta vis quae non ferro ac viribus debilitari frangique possit. Animum vincere, iracundiam cohibere, victoriam temperare, adversarium nobilitate, ingenio, virtute praestantem non modo extollere jacentem, sed etiam amplificare ejus pristinam dignitatem, haec qui facit, non ego eum cum summis viris comparo, sed simillimum deo judico. Itaque, C. Caesar, bellicae tuae laudes celebrabuntur illae quidem non solum nostris, sed paene omnium gentium litteris atque linguis, nec ulla umquam aetas de tuis laudibus conticescet; sed tamen ejusmodi res nescio quomodo, etiam quum leguntur, obstrepi clamore militum videntur et tubarum sono. At vero quum aliquid clementer, mansuete, juste, moderate, sapienter factum, in iracundia praesertim, quae est inimica consilio, et in victoria, quae natura insolens et superba est, audimus aut legimus, quo studio incendimur non modo in gestis rebus, sed etiam in fictis, ut eos saepe quos numquam vidimus diligamus! Te vero, quem praesentem intuemur, cujus mentem sensusque [et os] cernimus, ut quidquid belli fortuna reliquum rei publicae fecerit, id esse salvum velis, quibus laudibus efferemus, quibus studiis prosequemur, qua benevolentia complectemur? Parietes, me dius fidius, ut mihi videtur, hujus curiae tibi gratias agere gestiunt, quod brevi tempore futura sit illa auctoritas in his majorum suorum et suis sedibus. IV. Equidem quum C. Marcelli viri optimi et commemorabili pietate praediti lacrimas modo vobiscum

victoriam] Arusianus Messius, p. 264 (Baiter), has 'victui temperare,' from which Lindemann infers that he intended to write 'victoriae,' and he would put 'victoriae' in Cicero's text. But we find 'temperat iras' (Virg. Aen. i. 57) and other like expressions.

qui facit] 'faciat' F. M. T.

deo] 'Sed simillimum deo' quoted by Servius, Georg. ii. 131, and by Priscian iii. 3. 18 (Baiter). Klotz observes that Wolf was offended with this expression, and I suppose would derive from it an argument against the genuineness of the speech. But I think that if Klotz's answer to the objection is not the best, still that there is no force in the objection. See Quum Senatui, c. 5, and the note on 'deus.'

omnium gentium litteris] If by 'litteris' he means 'writings,' this is rather extravagant; but Cicero might have said that.

[*et os*]] Patricius proposed 'eos' in place of 'et os,' and Faernus and Abrami did the same, perhaps independently. Patricius asks what 'os' can mean after he has said 'praesentem;' and the question is pertinent. The word 'os' often means a man's impudence, a meaning which of course it cannot have here. There is no connexion between 'os' and what follows, but there is a connexion between 'mentem sensusque eos' and what follows. Patricius was an excellent judge of Latinity. The walls themselves were making signs (gestiunt) as if they would speak, if they could; or as Abrami translates it, ludicrously without intending to be ludicrous: "ils frétillent de faire cela." In the oration Pro Cluentio (c. 6), Cicero speaks of the walls of Sassia's nuptial chamber; but how different from this! Yet this passage has been admired, and it may be admired still. It is a point on which difference of opinion can in no way be reconciled.

4. *commemorabili*] Patricius suggested 'immemorabili,' 'non memorabili,' 'memo-

viderem, omnium Marcellorum meum pectus memoria obfudit; quibus tu etiam mortuis M. Marcello conservato dignitatem suam reddidisti, nobilissimamque familiam jam ad paucos redactam paene ab interitu vindicasti. Hunc tu igitur diem tuis maximis et innumerabilibus gratulationibus jure anteponis. Haec enim res unius est propria [C.] Caesaris; ceterae duce te gestae magnae illae quidem, sed tamen multo magnoque comitatu. Hujus autem rei tu idem et dux es et comes, quae quidem tanta est ut nulla tropaeis monumentisque tuis allatura finem sit aetas—nihil est enim opere et manu factum, quod non aliquando conficiat et consumat vetustas—at [vero] haec tua justitia et lenitas animi florescet quotidie magis ita ut, quantum operibus tuis diuturnitas detrahet, tantum afferat laudibus. Et ceteros quidem omnes victores bellorum civilium jam ante aequitate et misericordia viceras: hodierno vero die te ipsum vicisti. Vereor ut hoc quod dicam perinde intelligi possit auditu atque ipse cogitans sentio: ipsam victoriam vicisse videris, quum ea quae illa erat adepta victis remisisti. Nam quum ipsius victoriae conditione omnes victi occidissemus, clementiae tuae judicio conservati sumus. Recte igitur unus invictus es, a quo etiam ipsius victoriae conditio visque devicta est.

V. Atque hoc C. Caesaris judicium, patres conscripti, quam late pateat attendite: omnes enim qui ad illa arma fato sumus

rabili,' and finally he proposes to accept 'commemorabili,' and in this sense, 'quae digna sit ut commemoretur.'—'meum . . . obfudit:' G. E. There are variations with the verb 'effudit' instead of 'obfudit.'

ad paucos redactam] The Marcelli were reduced to M. Marcellus, C. Marcellus, and his son M. Marcellus, who afterwards married Caesar Octavianus' daughter Julia. At least no more seem to be known. But there were Claudii Aesernini, and Marcellini.

gratulationibus] Why did he not say 'supplicationibus?' for he means the 'supplicationes' decreed for Caesar's victories (B. G. ii. 35; iv. 38; vii. 90; De Prov. Cons. c. 10, 11); a 'supplicatio' of forty days after the African war, Dion Cassius 43, c. 14: *τεσσεράκοντά τε γὰρ ἡμέρας ἐπὶ τῇ νίκῃ αὐτοῦ θύειν ἔγνωσαν.* After the victory at Munda there was a fifty days' 'supplicatio:' *ἱερομηνίαι ἐπὶ πεντήκοντα ἡμέρας ἤχθησαν* (Dion 43, c. 42).

multo magnoque comitatu, &c.] He has said it in substance before, c. 2.

ut nulla] G. E. F.; 'ut' M. T., Baiter. A good deal has been written on this passage. Baiter must have misunderstood the sense when he omitted 'nulla.' Klotz (Vorrede, Vol. i., p. lxxxvi.) maintains 'nulla,' and explains it correctly; but it is hard to see how the commentators could misunderstand the passage. Cicero says, 'This is so great that no time will destroy thy trophies and memorials;—for there is no work of man's hands which age will not destroy—but this act of thy justice and mercy will daily flourish more.' Undoubtedly the writer meant to say this, but whether he has said it well is another matter. The whole chapter is a poor piece of rhetoric. Klotz prefers the reading 'florescit.'

5. *fato sumus*] A common place, which however expressed a popular superstition. Fate, destiny, the gods, drive men to their ruin. True enough, men go to their ruin, if they will not open their eyes, see and reflect. So as Abrami tells us, Agamemnon throws on fate the blame of his folly in quarrelling with Achilles, Il. xix. v. 87:

ἐγὼ δ' οὐκ αἴτιός εἰμι,
ἀλλὰ Ζεὺς καὶ μοῖρα καὶ ἠερcφοῖτις ἐριννύς.

nescio quo rei publicae misero funestoque compulsi, etsi aliqua culpa tenemur erroris humani, [a] scelere certe liberati sumus. Nam quum M. Marcellum deprecantibus vobis rei publicae conservavit, me et mihi et item rei publicae nullo deprecante, reliquos amplissimos viros et sibi ipsos et patriae reddidit, quorum et frequentiam et dignitatem hoc ipso in consessu videtis, non ille hostes induxit in curiam, sed judicavit a plerisque ignoratione potius et falso atque inani metu quam cupiditate aut crudelitate bellum esse susceptum. Quo quidem in bello semper de pace audiendum putavi, semperque dolui non modo pacem, sed etiam orationem civium pacem flagitantium repudiari. Neque enim ego illa nec ulla umquam secutus sum arma civilia, semperque mea consilia pacis et togae socia, non belli atque armorum fuerunt. Hominem sum secutus privato officio non publico; tantumque apud me grati animi fidelis memoria valuit, ut nulla non modo cupiditate, sed ne spe quidem prudens et sciens tamquam ad interitum ruerem voluntarium. Quod quidem meum consilium minime obscurum fuit. Nam et in hoc ordine integra re multa de pace dixi, et in ipso

videtis, non ille] Baiter, following Mommsen. In the editions there is a full stop after 'videtis,' or a colon, which means the same thing here.

semper de pace ... putavi] This is true, as Cicero's letters show (Ad Att. vii. and viii.). He foresaw what the end would be: "Pace opus est. Ex victoria quum multa mala, tum certe tyrannus exsistet" (Ad Att. vii. 5). Immediately on his return to Rome from Cilicia, he expresses to Tiro his desire for a settlement of the quarrel between Caesar and Pompeius (Ad Div. xvi. 11).

togae socia] Faernus and Patricius propose to erase 'socia.'—'hominem:' the man emphatically (see Index, Vol. iii.). He means Pompeius. Wolf's objection to 'hominem' is groundless (see Quum Senatui, c. 9, and the note).

The excuse is good for nothing, if he thought Pompeius was wrong. Some editions have 'privato consilio,' but I do not know what is the authority for 'consilio.' In two of his letters to Atticus (viii. 3; ix. 7), Cicero says that Pompeius' cause is that of the State, and that it is 'optima; sed agetur, memento, foedissime.' He hardly knew his own mind. He was in a state of most horrible perplexity, when Caesar invaded Italy and Pompeius left it: "Non sum, inquam, mihi crede, mentis compos; tantum mihi dedecoris admisisse videor," &c. (Ad Att. ix. 6.) In truth, he was in a pitiable condition, and a better and a bolder man might have hesitated. There was wrong on both sides, but he believed that Caesar would use victory with more moderation, and that was a good reason for joining him.

hoc ordine] 'in the senate.' I don't know if 'ordo' is used to signify the place where the senate met. 'Integra re:' before Caesar crossed the Rubicon. In a letter to Atticus (ix. 7), Cicero speaks of the danger of proposing peace, and says that Pompeius desired to get the power which Sulla had held. Plutarch (Cicero, c. 39) has a story, that after the battle of Pharsalia, "Cato, who had a large army at Dyrrachium, and a great fleet, asked Cicero to take the command according to custom, and as he had the superior dignity of the consulship. But as Cicero rejected the command, and altogether was averse to joining the armament, he narrowly escaped being killed; for the young Pompeius and his friends called him a traitor and drew their swords, but Cato stood in the gap, and with difficulty rescued Cicero, and let him go from the army." The suspicions were true. Cicero returned to Brundisium, and waited there anxiously for letters from Caesar, and he waited at Brundisium till Caesar arrived there from the East in September, B.C. 47. In the mean time he was trying to conciliate him (Ad Att. xi. 6).

bello eadem etiam cum capitis mei periculo sensi. Ex quo nemo jam erit tam injustus rerum existimator qui dubitet quae Caesaris de bello voluntas fuerit, quum pacis auctores conservandos statim censuerit, ceteris fuerit iratior. Atque id minus mirum fortasse tum quum esset incertus exitus et anceps fortuna belli: qui vero victor pacis auctores diligit, is profecto declarat se maluisse non dimicare quam vincere. VI. Atque hujus quidem rei M. Marcello sum testis: nostri enim sensus ut in pace semper, sic tum etiam in bello congruebant. Quoties ego eum et quanto cum dolore vidi quum insolentiam certorum hominum, tum etiam ipsius victoriae ferocitatem extimescentem. Quo gratior tua liberalitas, C. Caesar, nobis qui illa vidimus debet esse; non enim jam caussae sunt inter se, sed victoriae comparandae. Vidimus tuam victoriam praeliorum exitu terminatam: gladium vagina vacuum in urbe non vidimus. Quos amisimus cives, eos Martis vis perculit, non ira victoriae; ut dubitare debeat nemo quin multos, si fieri posset, C. Caesar ab inferis excitaret, quoniam ex eadem acie conservat quos potest. Alterius vero partis nihil amplius dicam quam id quod omnes verebamur, nimis iracundam futuram fuisse victoriam. Quidam enim non modo armatis, sed interdum etiam otiosis minabantur, nec quid quisque sensisset, sed ubi fuisset, cogitandum esse dicebant, ut mihi quidem videantur dii immortales, etiamsi poenas a populo Romano ob aliquod delictum expetiverint, qui civile bellum tantum et tam luctuosum excitaverint, vel placati jam

6. *certorum hominum*] L. Lentulus, L. Domitius Aenobarbus, as Cicero says in the letter to Toranius (Manutius). The letter is Ad Div. vi. 21, but there he says, "fortes illi viri et sapientes Domitii et Lentuli." In a letter to Atticus (xi. 6) he says that the Pompeian party had planned a proscription, in which men were not named individually, but by classes (generatim); and that all the property of the opposite party was to become their booty. Accordingly, he says that he never repented of getting out of the war. This letter was written B.C. 48, after he had heard of Pompeius' death, an event, which he laments, but he says that he foresaw it.

Quidam . . . armatis] Domitius, as Suetonius, Nero, c. 2, says: "Consultante Cn. Pompeio de mediis ac neutram partem sequentibus solus censuit hostium numero habendos." Pompeius (Plut. Pomp. c. 61) when he fled from Rome gave notice "that he should consider all the senators who stayed behind as partisans of Caesar," which was reasonable notice.

expetiverint . . . excitaverint] 'expetiverunt . . . excitaverunt,' Baiter. In the words 'poenas a populo Romano ob aliquod delictum,' we have the expression of a common opinion that the Roman people were punished by the gods for some crime or wickedness; and so Horace (Carm. iii. 6) has it

"Delicta majorum immeritus lues."

They would suffer for the crimes of their ancestors till they restored the temples.

This was one of the questions touched on by the philosophical dramatist Euripides, who found fault with the gods for punishing posterity for the crimes of their fathers; and Bion after him, said that the deity who punished the children of the wicked, was more ridiculous than the physician who physicked a grandchild or child for the disease of his grandfather or father (Plut. De Sera Numinis Vindicta, c. 19, where these matters are further discussed).

vel satiati aliquando omnem spem salutis ad clementiam victoris et sapientiam contulisse.

Quare gaude tuo isto tam excellenti bono, et fruere quum fortuna et gloria, tum etiam natura et moribus tuis, ex quo quidem maximus est fructus jucunditasque sapienti. Cetera quum tua recordabere, etsi persaepe virtuti, tamen plerumque felicitati tuae congratulabere. De nobis, quos in re publica tecum simul esse voluisti, quoties cogitabis, toties de maximis tuis beneficiis, toties de incredibili liberalitate, toties de singulari sapientia tua cogitabis; quae non modo summa bona, sed nimirum audebo vel sola dicere. Tantus est enim splendor in laude vera, tanta in magnitudine animi et consilii dignitas, ut haec a virtute donata, cetera a fortuna commodata esse videantur. Noli igitur in conservandis bonis viris defatigari, non cupiditate praesertim aliqua aut pravitate lapsis, sed opinione officii stulta fortasse, certe non improba, et specie quadam rei publicae; non enim tua ulla culpa est, si te aliqui timuerunt, contraque summa laus, quod minime timendum fuisse senserunt.

VII. Nunc vero venio ad gravissimam querelam et atrocissimam suspicionem tuam, quae non tibi ipsi magis quam quum omnibus civibus, tum maxime nobis, qui a te conservati sumus, providenda est; quam etsi spero falsam esse, numquam tamen extenuabo [verbis]. Tua enim cautio nostra cautio est, ut, si in alterutro peccandum sit, malim videri nimis timidus quam parum prudens. Sed quisnam est iste tam demens? De tuisne?—tametsi qui magis sunt tui quam quibus tu salutem insperantibus reddidisti?—an ex eo numero qui una tecum fuerunt? Non est credibilis tantus in ullo furor ut, quo duce omnia summa sit adeptus, hujus vitam non anteponat suae. An si nihil tui cogitant sceleris, cavendum est ne quid inimici? Qui? Omnes enim qui fuerunt, aut sua pertinacia vitam amiserunt aut tua misericordia retinuerunt, ut aut nulli supersint de inimicis, aut qui superfuerunt sint amicissimi. Sed tamen, quum in animis ho-

7. *atrocissimam*] A 'suspicio' is only 'atrox,' because of the matter to which the 'suspicio' refers. He means 'suspicion of a most abominable crime.' Patricius asks if we can say 'providere suspicionem.' 'Providenda' seems to refer by implication to the matter about which the suspicion exists.

extenuabo] 'verbis' is in F. M. Perhaps it is an interpolation, as Baiter supposes. He says afterwards, 'augeamus sane suspicionem tuam.'—'an ex eo numero:' Mommsen thinks that these words are a gloss; and so they may be. Halm would omit 'an,' which mends the sentence, for the orator is here speaking only of one set of men. Baiter has 'an ex hoc numero,' and he marks the words as doubtful.

qui superfuerunt] E². F. M., a better reading than 'qui fuerunt,' which Baiter has; for 'superfuerunt' gives a meaning, and 'fuerunt' makes nonsense.

minum tantae latebrae sint et tanti recessus, augeamus sane suspicionem tuam, simul enim augebimus diligentiam. Nam quis est omnium tam ignarus rerum, tam rudis in re publica, tam nihil umquam nec de sua nec de communi salute cogitans, qui non intelligat tua salute contineri suam, et ex unius tua vita pendere omnium? Equidem de te dies noctesque, ut debeo, cogitans, casus dumtaxat humanos et incertos eventus valetudinis et naturae communis fragilitatem extimesco, doleoque, quum res publica immortalis esse debeat, eam in unius mortalis anima consistere. Si vero ad humanos casus incertosque motus valetudinis sceleris etiam accedat insidiarumque consensio, quem deum, si cupiat, opitulari posse rei publicae credamus? VIII. Omnia sunt excitanda tibi, C. Caesar, uni, quae jacere sentis belli ipsius impetu, quod necesse fuit, perculsa atque prostrata; constituenda judicia, revocanda fides, comprimendae libidines, propaganda suboles, omnia quae dilapsa jam defluxerunt severis legibus vincienda sunt. Non fuit recusandum in tanto civili bello, tanto animorum ardore et armorum, quin quassata res publica, quicumque belli eventus fuisset,

tantae latebrae] Nobody had a better right to say this than Cicero. He expresses his fears for Caesar's life, he the man who a little later saw Caesar murdered, exulted over his death, and wished that some others had been murdered at the same time. He says (Ad Att. xiv. 14), "laetitiam quam oculis cepi justo interitu tyranni." He was however not privy to the conspiracy, for the conspirators could not trust him.

Wolf has a remark on the words 'Equidem de te,' &c. He says that this is the way in which a flatterer speaks to a tyrant, not the consular to the dictator. Drumann answers this. He reminds us that Cicero thought of writing a poem on Caesar's victories in Britain and Gallia; and in the oration De Prov. Cons. he lauded him extravagantly, as he had before bepraised Pompeius (De Imp. Cn. Pompeii). He flattered Caesar again in the speech Pro Ligario; and he did many other mean things, which Drumann collects; and some more might be added to the list.—It is not the flattery of this chapter which is a reason for doubting if Cicero wrote it as we have it. He was capable of saying all this and more; and if he had said twice as much, that would not be a sufficient reason for disputing his title to the authorship of this oration. It is the way in which it is said that is the true reason for doubting if he wrote 'sed tamen quum in animis' to the end of the chapter.

8. *judicia*] 'The courts must be re-established, credit (fides) restored, violence checked, and population encouraged.' 'Suboles' is the genuine orthography. The word means 'that which grows up, or growth.' Caesar Augustus, the dictator's successor, endeavoured to encourage marriage by the enactment of the Lex Papia Poppaea. The best encouragement to marriage is the maintenance of peace, and the establishment of security for life and property. Augustus did more for repairing the losses in the civil wars by restoring security, than by legislative enactments for the encouragement of marriage.

Klotz observes, that population could only be increased by legislation, by rewards for productive marriages, and that as Caesar was now the man from whom alone laws and political regulations could proceed, it was quite right to say 'tibi uni . . . propaganda suboles.' He adds, "How perversely and tastelessly Wolf here thought only of the physical procreation of children, which duty the declamator, as Wolf takes it, must be understood to be imposing on Caesar by using these words." I suppose Wolf was joking, as he often did. He could not of course mistake the meaning, but he thought that the expression was strange; and so it is.—'curanda:' F. M., 'sananda' G. E. Baiter.

multa perderet et ornamenta dignitatis et praesidia stabilitatis suae, multaque uterque dux faceret armatus, quae idem togatus fieri prohibuisset. Quae quidem tibi nunc omnia belli vulnera curanda sunt, quibus praeter te mederi nemo potest. Itaque illam tuam praeclarissimam et sapientissimam vocem invitus audivi, Satis diu vel naturae vixi vel gloriae.—Satis, si ita vis, fortasse naturae, addo etiam, si placet, gloriae: at, quod maximum est, patriae certe parum. Quare omitte istam, quaeso, doctorum hominum in contemnenda morte prudentiam: noli nostro periculo esse sapiens. Saepe enim venit ad aures meas te idem istud nimis crebro dicere, tibi satis te vixisse. Credo, sed tum id audirem, si tibi soli viveres, aut si tibi etiam soli natus esses. Omnium salutem civium cunctamque rem publicam res tuae gestae complexae sunt: tantum abes a perfectione maximorum operum, ut fundamenta quae cogitas nondum jeceris. Hic tu modum vitae tuae non salute rei publicae, sed aequitate animi definies? Quid, si istud ne gloriae tuae quidem satis est? cujus te esse avidissimum quamvis sis sapiens non negabis. Parumne igitur, inquies,

naturae] Caesar had attained his fifty-fourth year, as Abrami reminds us; and so Caesar is supposed to have said that he had attained an age which might be considered as a natural limit of existence. It was a 'praeclarissima et sapientissima vox,' but he heard it 'unwillingly,' and for the reason which he gives. He had heard it once at least; and perhaps Caesar may have said it in the senate on this occasion. Then he tells us that it had often reached his ears: 'Saepe enim venit,' &c. This looks like a useless repetition, but if Caesar, as I have suggested, had just said it in the senate, the orator may properly add that he had heard that he was in the habit of saying it.

doctorum hominum] Philosophers, whose 'prudentia' is their philosophy, which teaches them not to fear death, as Socrates, and the Stoics, Antoninus, for instance, at a later time.

contemnenda morte] 'Contemnere' means to value slightly, to put a small estimation on a thing, and so it may be applied either to a thing considered valuable, which we do not desire, or to a thing considered formidable, which we do not fear. Caesar said "that it was better to die at once than to be always expecting death" (Plutarch, Caesar, c. 57). For many years he had exposed his life in the field, and a man with even less natural courage than he possessed must have become careless about danger. There are many kinds of courage, and he who is brave in battle may not be brave on all occasions. Men become careless about danger when it presents itself daily. A habit of indifference is the effect of familiarity. But contempt of death after a man has attained to supreme power must be the result of reflection.

tum id audirem] 'then I would listen to it,' 'I would assent;' a way of expressing assent. 'Audio' is used thus by the comic writers and by Cicero.

sed tum . . . natus esses] Quoted by the Schol. on Lucan, v. 686; but the Schol. has "aut etiam si tibi soli natus esses" (Baiter). The lines are:

"Quo te, dure, tulit virtus temeraria, Caesar?
* * * *
Quum tot in hac anima populorum vita salusque
Pendeat et tantus caput hoc sibi fecerit orbis."

The Schol. has a note on 'pendeat:' he says, "Ut Cicero, ex unius tua vita pendere omnia." See c. 7. On the line of Lucan (ii. 383),

"Nec sibi, sed toti genitum se credere mundo,"

which is applied to Cato, the Schol. has the remark, "Ut Cicero, Si tibi soli natus esses, viveres tibi," an example which shows that we cannot always trust to scholiasts for literal quotation.

gloriam magnam relinquemus? Immo vero aliis quamvis multis satis, tibi uni parum. Quidquid est enim, quamvis amplum sit, id [certe] est parum tum quum est aliquid amplius. Quod si rerum tuarum immortalium, C. Caesar, hic exitus futurus fuit ut devictis adversariis rem publicam in eo statu relinqueres in quo nunc est, vide, quaeso, ne tua divina virtus admirationis plus sit habitura quam gloriae, siquidem gloria est illustris ac pervagata [multorum et] magnorum vel in suos vel in patriam vel in omne genus hominum fama meritorum. IX. Haec igitur tibi reliqua pars est, hic restat actus, in hoc elaborandum est, ut rem publicam constituas, eaque tu in primis cum summa tranquillitate et otio perfruare: tum te, si voles, quum et patriae quod debes solveris, et naturam ipsam expleveris satietate vivendi, satis diu vixisse dicito. Quid est enim [omnino] hoc ipsum diu, in quo est aliquid extremum? quod quum venit, omnis voluptas praeterita pro nihilo est, quia postea nulla est futura. Quamquam iste tuus animus numquam his angustiis, quas natura nobis ad vivendum dedit, contentus fuit, semper immortalitatis amore flagravit. Nec vero haec tua vita ducenda est quae corpore et spiritu continetur. Illa, inquam, illa vita est tua, quae vigebit memoria saeculorum omnium, quam posteritas alet, quam ipsa aeternitas semper tuebitur. Huic tu inservias, huic te ostentes oportet; quae quidem quae miretur jam pridem multa habet, nunc etiam quae laudet exspectat. Obstupescent posteri certe imperia, provincias, Rhe-

gloriae] See Pro Milone, c. 35, and the note.

9. *hic restat actus*] This act of the drama of life. This was a usual expression. Life is a Fabula, a Play (De Sen. c. 23; Sueton, Octavian., c. 99). M. Antoninus, xii. 36, has something appropriate. Cicero uses the same language in speaking of his brother's provincial government: "ut hic tertius annus imperii tui tamquam tertius actus perfectissimus atque ornatissimus fuisse videatur" (Ad Q. Fr. i. 1, c. 16).

hoc ipsum diu] De Sen. c. 19, "Quid est in hominis vita diu? . . . Sed mihi ne diuturnum quidquam videtur in quo est aliquid extremum; quum enim id advenerit, tunc illud quod praeteriit, effluxit: tantum remanet quod virtute et recte factis consecutus sis." There is a resemblance between these passages; but it is not unusual for a man who writes much to say the same thing more than once.

immortalitatis] The desire of an imperishable name. See Immortality, Index, Vol. iii.

quae laudet exspectat] An awkward compliment. Had Caesar done nothing in the orator's opinion which was laudable? He had gained a 'summa laus' by his clemency (c. 6), and he has 'laus' all through the oration. But it may be said that all this is 'laus' for the past; something more and different, he says, is expected for the future.

Obstupescent . . . imperia, &c.] Very declamatory and very feeble. We have had it before (c. 3); and it is repeated with variations.—'munera:' G. E. M., Baiter; 'innumera' F. 'Munera' are 'spectacula,' 'ludi.' Cicero did not like the Roman spectacles, but that would not prevent him from speaking of them on this occasion. However there is something to say for 'monumenta innumera.'

num, Oceanum, Nilum, pugnas innumerabiles, incredibiles victorias, monumenta, munera, triumphos audientes et legentes tuos. Sed nisi haec urbs stabilita tuis consiliis et institutis erit, vagabitur modo nomen tuum longe atque late; sedem [quidem] stabilem et domicilium certum non habebit. Erit inter eos etiam qui nascentur, sicut inter nos fuit, magna dissensio, quum alii laudibus ad caelum res tuas gestas efferent, alii fortasse aliquid requirent, idque vel maximum, nisi belli civilis incendium salute patriae restinxeris, ut illud fati fuisse videatur, hoc consilii. Servi igitur iis etiam judicibus, qui multis post saeculis de te judicabunt, et quidem haud scio an incorruptius quam nos; nam et sine amore et sine cupiditate, et rursus sine odio et sine invidia judicabunt. Id autem etiamsi tum ad te, ut quidam falso putant, non perti-

idque vel maximum] These words refer to 'nisi belli . . . restinxeris,' which Patricius explains 'id est si non restinxeris.' 'Restrinxeris' F. M. (sed in F. superscr. *restinxeris*), Baiter. But as Patricius remarks "salute *restinguere* miro quodam modo dicitur."—'ut illud:' 'and the consequence will be that all your glorious victories (illud) will be attributed to fate, but the re-establishment of order (urbe stabilita, &c.) will be considered the work of wisdom.'

haud scio an incorruptius] Cicero has a like expression in the long letter of advice to his brother when Quintus was in Asia (Ad Qu. Fr. i. 1, c. 15).

sine cupiditate] 'without passion or party spirit.' So Tacitus (Ann. i. 1) says that he wrote his Annales "sine ira et studio quorum caussas procul habeo."

ut quidam falso putant] The words 'ad te . . . non pertinebit,' literally, 'will not extend to you,' contain by implication the assertion of the mortality of the whole man. 'Ad se pertinere' was a legal term to express a title to a thing (Gaius iii. 9; Cicero, Top. c. 3). Cicero is alluding to the great dispute whether there is any thing in man that survives death or the dissolution of the organized body. But before we attempt to answer this question, we must say what death is. Anaxagoras and Euripides said wisely

θνήσκει δ' οὐδὲν, μεταμειβόμενα δ' ἄλλο πρὸς ἄλλο μορφὰς ἐδειξεν.

(Plut. De Plac. Phil. v.: as the words stand in Wyttenbach's ed.) The opinion of the reflecting men among the Greeks and Romans was divided on this matter. The popular belief seems to have been that something remained after death, and that it existed either in a state of happiness or unhappiness. Plutarch (De Placit. Phil. iv.) has collected some of the philosophical opinions on the nature of the ψυχή. Pythagoras and Plato said that it was imperishable, and that when it leaves the body it returns to the soul of the universe, to that which is of the same kind with itself (πρὸς τὸ ὁμογενές). But it was only the reasonable part (τὸ λογικόν) which did not perish, for the ψυχή was not divine (θεός)—perhaps they mean not a self-subsisting divine thing, —but the work of the eternal God: the unreasonable part was perishable. The Stoic doctrine is very vague. Democritus and Epicurus distinctly assert that the ψυχή is dissolved with the body. I do not see that the doctrine of most of the Greek philosophers implies a personal and distinct existence after death, but Socrates had this notion, and others (Plutarch. De Sera Numinis Vindicta, c. 18). The popular opinion, as we see it in Homer's Odyssey, gives to the dead a separate existence. The popular notion however of a separate existence was vague, and, as I have said, many of the philosophers and thinking men did not entertain it. Cicero's own notions were confused.

I do not recollect ever having seen fairly discussed the question of the practical effect on human life of a decided opinion for or against the immortality of the soul. The common feeling, the 'communis sensus,' of most nations, but perhaps not all, is that man will exist in another state after this, but the mode in which this existence is conceived varies in different nations and even in people of the same nation. In

nebit, nunc certe pertinet esse te talem ut tuas laudes obscuratura nulla umquam sit oblivio. X. Diversae voluntates civium fuerunt distractaeque sententiae; non enim consiliis solum et studiis, sed armis etiam et castris dissidebamus. Erat autem obscuritas quaedam, erat certamen inter clarissimos duces: multi dubitabant quid optimum esset, multi quid sibi expediret, multi quid deceret, nonnulli etiam quid liceret. Perfuncta res publica est hoc misero fatalique bello: vicit is qui non fortuna inflammaret odium suum, sed bonitate leniret; nec qui omnes quibus iratus esset eosdem [etiam] exsilio aut morte dignos judicaret. Arma ab aliis posita, ab aliis erepta sunt. Ingratus est injustusque civis, qui armorum periculo liberatus animum tamen retinet armatum, ut etiam ille melior sit qui in acie cecidit, qui in caussa animam profudit; quae enim pertinacia quibusdam, eadem aliis constantia videri potest. Sed jam omnis fracta dissensio est armis, exstincta aequitate victoris: restat ut omnes unum velint, qui modo habent aliquid non solum sapientiae, sed etiam sanitatis. Nisi te, C. Caesar, salvo et in ista sententia qua quum antea, tum hodie vel maxime usus es, manente salvi esse non possumus. Quare omnes te, qui haec salva esse volumus, et hortamur et obsecramus ut vitae tuae

Christian nations the effect of a professed belief in a future life is very weak in many people, as we see by daily experience. With others the effect of a firm belief is very strong, as the effect of any firm conviction must be. The effect of a doubt about the soul's immortality, or even a denial of it, is not the same in all men. The effect depends on temperament, education, and the mode of life. With the reflecting man the effect is different from what it is with men engaged in active life. Caesar, it is supposed, had no belief in a future state (In Cat. iv. c. 4). If he had not, he might still care during his life about the opinion which posterity would form of him (nunc certe pertinet, &c.).

10. *Erat autem*] F. M. 'Erat enim' G. E., Baiter. The 'obscuritas' is the difficulty of knowing what to do, because there were two great chiefs opposed to one another. Abrami quotes Lucan i. 126:

> "Quis justius induit arma
> Scire nefas; magno se judice quisque tuetur.
> Victrix caussa deis placuit, sed victa Catoni."

(See Pro Ligario, c. 6.)

Abrami refers to Plutarch (Cato, c. 53), who says that Cato said there was great perplexity and uncertainty in matters appertaining to the gods. Pompeius, who "had always been invincible while he was doing what was not honest or just, now when he wished to save his country and fight in defence of liberty, was deserted by his good fortune." When Pompeius, after his defeat at Pharsalia, went to Mitylene, he had some talk with Cratippus, in which he "found fault with and expressed some doubts about Providence." The chapter is worth reading. (Plut. Pomp. c. 75.)

Perfuncta] The State has passed through this war, and it is now ended.

vicit is qui ... inflammaret] This form of the subjunctive requires a careful handling. The predicate is 'vicit.' The expression may be an abbreviation of the form 'is qui vicit non ejusmodi est qui ... inflammaret,' but it is said more emphatically in the form 'vicit is,' &c.: 'the conqueror is not a man to let his hatred be inflamed by success, but to mollify it by his natural goodness of disposition.'—'nec qui:' G. E., 'neque' F. M., Baiter.—'haec salva:' 'haec' is every thing, all that we possess. It is a common use of 'haec.'

et saluti consulas, omnesque tibi,—ut pro aliis etiam loquar quod de me ipse sentio,—quoniam subesse aliquid putas quod cavendum sit, non modo excubias et custodias, sed etiam laterum nostrorum oppositus et corporum pollicemur.

XI. Sed ut unde est orsa, in eodem terminetur oratio, maximas tibi omnes gratias agimus, C. Caesar, majores etiam habemus. Nam omnes idem sentiunt, quod ex omnium precibus et lacrimis sentire potuisti: sed quia non est omnibus stantibus necesse dicere, a me certe dici volunt, cui necesse est quodammodo; et quod fieri decet M. Marcello a te huic ordini populoque Romano et rei publicae reddito fieri id intelligo; nam laetari omnes non de unius solum, sed de communi [omnium] salute sentio. Quod autem summae benevolentiae est, quae mea erga illum omnibus semper nota fuit, ut vix C. Marcello optimo et amantissimo fratri, praeter eum

11. *Sed ut, &c.*] He comes back to the business, which has been interrupted by chapters 7—10. If the greater part of these four chapters were struck out, the oration would be the better for it. The suspicion of Caesar and his fear of secret enemies is the text that he begins with (c. 7), but we cannot tell if the orator had any reason for touching on this subject, unless we knew what Caesar had said. After telling Caesar that he had no cause for fear, he shows how much mischief the civil wars had left him to repair (c. 8); and then he passes to Caesar's declaration that he had lived long enough to satisfy either nature, whatever he means by nature, or glory. It might be said that Caesar's alleged fears and his declaration are not consistent; but a judgment on this matter is hardly possible as we do not know what Caesar had said. He may have expressed an opinion that there were men who sought his life, and he may also have said, that he cared not for them and had lived long enough. Having got upon the subject of glory, the orator is warmed by a favourite topic, and in the remainder of c. 8, and in c. 9, he points out to Caesar the way of securing his glory and an imperishable name. If Caesar does not finish the last act of life well, posterity may attribute his great acts to fate, and think that he had not wisdom enough to establish the tranquillity and happiness of his country.

All this is very declamatory, and if part of it is genuine, I do not believe that the whole is. But I cannot view c. 10 as any thing but an idle addition. He begins again with the civil wars, 'diversae voluntates:' tells us that the wars are ended, that a mild and merciful conqueror has secured his victory, and that Caesar need fear no enemies; all which we have had before. He concludes, as he had concluded before, that every man's safety depends on Caesar's life, which he begs him to be careful to protect; and since he still has some fear he ends with 'non modo excubias et custodias, sed etiam laterum nostrorum oppositus et corporum pollicemur.' This is certainly extravagant, and hardly consistent with the letter to Sulpicius, in which Cicero speaks of this speech. If any body can satisfactorily explain these four chapters, he may perhaps remove most of the doubts about the genuineness of the speech, but not all.

omnibus stantibus] A man of course stood when he spoke. He says then it is not necessary for all to stand up and speak. Wolf thinks that there is a contradiction between the letter to Sulpicius and the speaker; for in the letter he says that all the senators had thanked Caesar except one, while here he speaks as if he was the only person who had thanked Caesar, and thanked him in the name of all. Drumann says that there is no contradiction. As the senators who delivered their opinion before Cicero had expressed themselves more briefly, Cicero could give the matter this turn, that they had left him to be the interpreter of their feelings, and as a reason for it he does not arrogantly mention his greater eloquence, but his more intimate connexion with Marcellus.

quidem cederem nemini, quum id sollicitudine, cura, labore tamdiu praestiterim, quamdiu est de illius salute dubitatum, certe hoc tempore magnis curis, molestiis, doloribus liberatus praestare debeo. Itaque, C. Caesar, sic tibi gratias ago ut, omnibus me rebus a te non conservato solum, sed etiam ornato, tamen ad tua in me unum innumerabilia merita, quod fieri jam posse non arbitrabar, maximus hoc tuo facto cumulus accesserit.

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ut quidam falso putant] c. 9. The quotation from Plutarch is evidently taken from a system of anapaests. Professor Conington has furnished me with the whole passage as it stands in Nauck's edition of the fragments of Euripides (fr. 836). It is from Euripides' Chrysippus, and as there is a vacant page here, it can't be better filled up than with these remarkable lines:

Γαῖα μεγίστη καὶ Διὸς αἰθήρ,
ὁ μὲν ἀνθρώπων καὶ θεῶν γενέτωρ,
ἡ δ' ὑγροβόλους σταγόνας νοτίας
παραδεξαμένη τίκτει θνατούς,
τίκτει δὲ βορὰν φῦλά τε θηρῶν·
ὅθεν οὐκ ἀδίκως
μήτηρ πάντων νενόμισται.
χωρεῖ δ' ὀπίσω
τὰ μὲν ἐκ γαίας φύντ' εἰς γαῖαν,
τὰ δ' ἀπ' αἰθερίου βλαστόντα γονῆς
εἰς οὐράνιον πάλιν ἦλθε πόλον·
θνήσκει δ' οὐδὲν τῶν γιγνομένων,
διακρινόμενον δ' ἄλλο πρὸς ἄλλου
μορφὴν ἑτέραν ἐπέδειξεν.

Various writers quote parts of this passage, but no one quotes the whole; but it is inferred from a summary in Vitruvius, 8. praef. § 1, that the two anapaestic systems belong to the same passage; which indeed appears plainly from a comparison of the two systems.

PRO Q. LIGARIO

ORATIO.

INTRODUCTION.

Q. Ligarius was the legatus of C. Considius the governor of Africa before the commencement of the civil war. Considius quitted Africa at the close of B.C. 50 or the beginning of the following year, leaving Q. Ligarius in charge of the province (c. 1). When the war began by Caesar crossing the Rubicon with his troops, the Pompeian party, which was strong in Africa, pressed Ligarius to put himself at their head; but he refused (c. 1). In the mean time P. Attius Varus, a former governor of Africa, who had fled to that province after being deserted by his troops at Auximum in Picenum, gladly accepted the proposals of the Provinciales of Africa, raised two legions there, and assumed the command (Caesar, B. C. i. 12 and 31). L. Aelius Tubero was now sent with authority from the senate to take possession of the government of Africa, but when he appeared before the harbour of Utica with his ships, Varus would not allow him to enter the town, nor even to land his son Quintus Tubero, who was sick, nor to take in water (Caesar, B. C. i. 31; Pomponius, Dig. i. 2. 2, § 46). Pomponius says that Q. Ligarius, who had the care of the sea coast of the province, executed Varus' orders. The father and son went to join Pompeius in Macedonia (c. 9), and after his defeat they submitted to Caesar and were pardoned. Q. Ligarius stayed in Africa, where the party of Pompeius after his death made an obstinate resistance to Caesar. After the battle of Thapsus, B.C. 46, in which the Pompeians of Africa were defeated, Caesar took Q. Ligarius in Adrumetum together with C. Considius, the son of C. Considius, and he spared the lives of both (Bell. Afric. c. 89). P. Ligarius, not a brother (c. 12), but probably some kinsman of Quintus, had been taken on shipboard before the battle of Thapsus, and put to death by Caesar's order. Publius had fought under Afranius in Spain against

Caesar, who took him prisoner and let him go; but he was now punished for his perjury and perfidy in joining the Pompeian party again (Bell. Afric. c. 64).

While Q. Ligarius was in exile Cicero wrote to him (Ad Div. vi. 13, 14) and informed him of the efforts which he and Ligarius' brothers were making to obtain his pardon. In one of these letters Cicero speaks of a visit which he had paid to Caesar one morning, at the request of Ligarius' brothers, and of the indignity and trouble that he put up with in getting access to Caesar. At this interview Ligarius' brothers and kinsmen were at Caesar's feet, while Cicero spoke. Though Caesar did not expressly pardon Ligarius on this occasion, Cicero conjectured that he was well inclined to do it. Q. Tubero however interposed by making a formal charge against Ligarius, the nature of which we only know so far as we can learn from this oration, from Quintilian (c. 3, and the note), and from the words of Pomponius, who says of Ligarius, "Is est Q. Ligarius, qui quum Africae oram teneret, infirmum Tuberonem applicare non permisit nec aquam haurire, quo nomine eum accusavit (Tubero) et Cicero defendit." This would certainly be no ground for a formal prosecution, nor have we any reason for believing that this charge of Tubero was such. Halm assumes that a jurist like Tubero must have made a definite charge founded on some Lex, in order to appear as an accusator before Caesar in the Forum. He explains the words 'quo nomine' of Pomponius as meaning no more than the motive or occasion of Tubero's prosecution of Ligarius. But we must observe that Pomponius says "it was for this that Tubero charged him, and Cicero defended him." Pomponius may not have stated the true ground of Tubero's charge, but this is the ground that he does state, and no other. It is plain however that such a charge was no ground for a legal prosecution.

Halm conjectures, with the help of the passage in Quintilian (xi. 1, 80) in which Tubero's charge is stated ("Ligarium . . . pro Juba atque Afris inimicissimis populo Romano stetisse," c. 3. of this oration, and the note), that the Accusatio was a charge of Perduellio, or in the narrower sense, Proditio, betrayal of the fatherland to the enemy. The case was heard before Caesar, then Dictator, and in the Forum, as Sulla when Dictator had sat in judgment (c. 4). This passage he says (c. 4) also shows clearly that Caesar sat in judgment in no other capacity than that of "Dictator rei publicae constituendae:" it contains also, he says, a reproach to the prosecutor, that he wished to use the revived dictatorial power for an odious purpose. Thus too it becomes clear why the matter was heard in the Forum, and before Caesar alone; and there would be the more reason for this being so, if at this time there was no special Praetor for cases of Majestas, according to the Lex

Cornelia, as we may conclude from a passage of Suetonius (Caesar, c. 76).

I do not accept all this even as a probable conjecture. As to the assumption that Tubero being a jurist, or a man acquainted with law, would not accuse another without having a Lex to found his charge upon, the answer is, that Tubero having failed in this matter left the business of oratory and turned jurist, and he became a distinguished lawyer (Pomponius, Dig. i. 2. 2, § 46). As to the charge of Perduellio or Majestas, there is nothing in this oration that justifies the assumption that he was tried on this charge, or that he was tried on any charge. Caesar was Dictator, and had the power of keeping his enemies out of Rome and Italy, if he liked. It must be admitted that Cicero dexterously covers over that part of Ligarius' conduct which was most offensive to Caesar, his resistance in Africa; but if Ligarius was tried, we may certainly affirm that the speech would show what he was tried for. The speech shows plainly that it was no trial, for Ligarius was not at Rome to be tried. The only matter on which the speech turns is whether Caesar will pardon Ligarius and allow him to return to Rome, not whether he will acquit him or inflict a penalty on him. Pomponius' statement is the true reason why Tubero opposed Ligarius' brothers and Cicero when they were soliciting Quintus' pardon, and Ligarius' hostility to Caesar during the African campaign was the matter which Tubero urged to show that Ligarius ought not to be pardoned and allowed to return from exile. Tubero, though a pardoned man himself, could say that he gave up the contest when he saw that Caesar had defeated his great opponent, and he could urge with some reason against Ligarius, both the treatment that he had received from him before Utica, at a time when they were both on one side, and the further fact that Ligarius remained with the partizans of Cn. Pompeius in Africa after Pompeius' death, and did all that he could against Caesar, even when victory had declared for him, and Rome and the senate had submitted. Caesar had particular reasons for being irritated against the men who fought in this African war, a campaign in which he had the greatest difficulties to encounter, and in which he showed all his great talents (Ad Div. vi. 13). It is no wonder if he felt resentment against Q. Ligarius, one of the few men of any note who survived a war which was as hazardous to Caesar as his campaign against Pompeius in Epirus and Thessaly [1]. Ligarius and others who still held out with the help of Juba and his Africans, might be considered as resisting the majesty of Rome, and

[1] This is one of the campaigns which Guischardt has explained in the second volume of his "Mémoires militaires sur les Grecs et les Romains." La Haye, 1758.

as guilty of Majestas, by Caesar or his flatterers. But whether this stubborn resistance was so considered or not, there was no trial for Majestas or any thing else in the case of Ligarius.

This speech was delivered in B.C. 46, and before Caesar set out to Spain on his last campaign. Ligarius was pardoned, and like many others he repaid Caesar's generosity by becoming one of his assassins. It was Caesar's fortune to get the victory over all his enemies, and to perish by the hands of those whom he thought that he had made his friends. The dictator Sulla spared no enemy, and he died a natural death. Ligarius himself got his deserts, if he was one of the two brothers Ligarii who perished in the proscriptions of the Triumviri (Appian, B. C. iv. 22). Appian (iv. 23) mentions another Ligarius who perished also, but he does not describe him as a brother.

This speech belongs to that class of orations which were included under the term Deprecatio, and this is the only example of the kind among Cicero's speeches. There is a definition of Deprecatio by the Auctor ad Herennium (i. c. 14): "Deprecatio est, quum et peccasse se et consulto fecisse reus confitetur, et tamen postulat ut sui misereantur. Hoc in judicio non fere potest usu venire, nisi &c. Ergo in judicium non venit; at in Senatum, aut ante imperatorem et in consilium talis caussa potest venire." Quintilian also (v. 13, 5) has some remarks on Deprecatio. (See also this oration, c. 10 note.)

This speech was circulated in writing by the copies which Atticus' Librarii made of it. Balbus and Oppius admired it, and they sent Caesar a copy when he was in Spain, B.C. 45 (Ad Att. xiii. 12 and 19). It seems that we have the speech in the form in which it was delivered, for Cicero says that he would not add any thing that might offend Tubero, who was extremely apt to take offence (Ad Att. xiii. 20). Drumann remarks that in this speech Cicero preserved the dignity and freedom of a republican, and showed also the tact and cautious reserve of a courtier. The case indeed was not easy to handle, and if Caesar had not been generous and fearless, ready to pardon a man who might still remain his enemy, like the other Ligarius whom he had punished for his baseness, the orator with all his skill might have pleaded in vain. Cicero's republican freedom however is only false appearance. It was flattery under the guise of free speaking. Drumann also observes that Wolf has not attacked the genuineness of this speech; an observation which has as little sense in it as if he had said that Wolf had not attacked the genuineness of all the speeches. This at least is safe from suspicion. It is in its kind a perfect composition.

This oration is edited by Baiter in Orelli's Cicero. The following are the abbreviations of the MSS. which he has used:—

G = cod. Gemblacensis, nunc Bruxellensis n. 5345 a me collatus.
E = cod. Erfurtensis, nunc Berolinensis.
C = cod. Coloniensis Graevii.
S = Scholiastae Gronoviani lemmata (M. Tullii Ciceronis Scholiastae P. ii. p. 415).

There is an edition of the Pro Ligario by Halm (Ciceros Ausgewählte Reden), Leipzig, 1853, with a Preface, which I have used.

M. TULLII CICERONIS

ORATIO PRO Q. LIGARIO

AD C. CAESAREM.

I. Novum crimen, C. Caesar, et ante hunc diem non auditum propinquus meus ad te Q. Tubero detulit, Q. Ligarium in Africa fuisse; idque C. Pansa praestanti vir ingenio fretus fortasse familiaritate ea quae est ei tecum ausus est confiteri. Itaque quo me vertam nescio. Paratus enim veneram, quum tu id neque per te scires neque audire aliunde potuisses, ut ignoratione tua ad hominis miseri salutem abuterer. Sed quoniam diligentia inimici investigatum est [id] quod latebat, confitendum est, opinor, praesertim quum meus necessarius Pansa fecerit ut id integrum jam non esset; omissaque controversia omnis oratio ad misericordiam tuam conferenda est, qua plurimi sunt conservati, quum a te non libera-

1. *Novum crimen . . . detulit*] So Quintilian (xi. 3. 108) quotes this passage; and 'novum crimen . . . non auditum' (xi. 3. 110). G. also has 'non auditum,' and Baiter. E. has 'inauditum.' There is 'ironia' at the commencement. Quintilian (iv. 1. 38), quoted by Halm, says "Imminuenda quaedam et elevanda et quasi contemnenda esse consentio ad remittendam intentionem judicis quam adversario praestat, ut fecit pro Ligario Cicero. Quid enim agebat aliud ironia illa quam ut Caesar minus se in rem tanquam non novam intenderet?" This is in the chapter in which Quintilian treats of the 'principium' or 'exordium' of the speech; the Greeks named it προοίμιον. Though 'inauditum' and 'non auditum' may mean the same, the negative 'non' has a better effect in this passage.

propinquus] The degree of kinship is not known. We can only conjecture with the old commentators that L. Tubero, the father of Quintus, may have married some woman of the Tullia Gens. But in that case there would only be 'affinitas' between Cicero and Tubero (c. 7).—'in Africa fuisse:' nobody knew this better than Caesar, for he took Ligarius prisoner in Adrumetum, and spared his life (Introd.). The irony is continued all through the speech whenever Tubero is spoken of.

C. Pansa] C. Vibius Pansa, consul with A. Hirtius in B.C. 43.

scires] 'scire' C., which Patricius suggested in place of 'scires.'—'abuterer:' 'to take advantage of.' 'Abuti' means 'to consume in the use.' See Index, Vol. i.

integrum non esset] Patricius says "What if I read: 'ut id negare integrum non esset?'" This is the meaning, I think: 'since Pansa's conduct has not left me the power of denying,' and the notion 'negare' must be got out of 'confitendum.' Patricius explains the common text thus:

tionem culpae, sed errati veniam impetravissent. Habes igitur, Tubero, quod est accusatori maxime optandum, confitentem reum, sed tamen hoc confitentem se in ea parte fuisse, qua te, Tubero, qua virum omni laude dignum patrem tuum. Itaque prius de vestro delicto confiteamini necesse est quam Ligarii ullam culpam reprehendatis.

Quintus enim Ligarius, quum esset nulla belli suspicio, legatus in Africam cum C. Considio profectus est, qua in legatione et civibus et sociis ita se probavit ut decedens Considius provincia satis facere hominibus non posset, si quemquam alium provinciae praefecisset. Itaque Ligarius, quum diu recusans nihil profecisset, provinciam accepit invitus, cui sic praefuit in pace ut et civibus et sociis gratissima esset ejus integritas ac fides. Bellum subito exarsit, quod qui erant in Africa ante audierunt geri quam parari. Quo audito partim cupiditate inconsiderata, partim caeco quodam timore, primo salutis, post etiam studii sui, quaerebant aliquem ducem, quum Ligarius domum spectans, ad suos redire cupiens, nullo se implicari negotio passus est. Interim P. Attius

"ut mihi de hac caussa tanquam de re integra et nondum in alteram partem praeoccupata minime liceat deliberare."

Habes igitur . . . reum] Quintilian (ix. 2. 51) calls this "confessio nihil nocitura," for it is an admission of a fact, but of a fact which equally affects the accuser. Quintilian (iv. 1. 67, quoted by Halm) has a good remark on this conclusion of the Exordium, where he is examining whether in the Exordium it is allowable to turn from the Judex and address the Adversarius. This figure was called ἀποστροφή, and some writers thought that it was not allowable in the Exordium. There is a plain reason for this rule. We should address those first, and those only, whom we wish to conciliate. The writers on the Artes, says Quintilian, do not forbid the use of this figure in the Exordium because it is against the rules, but because they do not think that it is prudent; and accordingly, says Quintilian, "si vincet utilitas, propter eandem caussam facere debebimus, propter quam vetamur. Et Demosthenes ad Aeschinem orationem in prooemio convertit, et Marcus Tullius, quum pro aliis quibusdam ad quos ei visum est, tum pro Ligario ad Tuberonem. Nam erat multo futura languidior, si esset aliter figurata; quod facilius cognoscet si quis illam totam partem vehementissimam, cujus haec forma est, 'Habes igitur. Tubero' et cetera, convertat ad judicem; tum enim vere aversa videatur oratio et languescat vis omnis dicentibus nobis, 'Habet igitur Tubero . . . optandum.' Illo enim modo pressit atque institit; hoc tantum indicasset."

Quintus enim] Here the Narratio begins, the nature of which Quintilian examines at length (iv. 2), and this Narratio very particularly (iv. 2. 108). He says "Argumentabimur in narratione, ut dixi, numquam: argumentum ponemus aliquando, quod facit pro Ligario Cicero, quum dicit sic eum provinciae praefuisse ut illi pacem esse expediret. Inseremus expositioni et brevem quum res poscet defensionem, et rationem factorum. Nec enim narrandum est tanquam testi, sed tanquam patrono."

qua in legatione] This is a usual Roman form of expression, the repetition of the antecedent with the relative, or the use of a word with the relative, which refers to the antecedent in substance, though not in grammatical form. It is common in Caesar, the most perspicuous and precise of all writers: "Helvetii . . . legatos ad eum mittunt, cujus legationis Divico princeps fuit" (B. G. i. 13).

sociis] The Provinciales. Considius made Ligarius the temporary governor of the province, because the people wished it. When a governor left his province before the arrival of his successor, it was usual for him to give the temporary administration to the Quaestor, as Cicero says in several letters (Ad Div. ii. 15 and 18).

studii sui] They looked for some leader,

Varus, qui praetor Africam obtinuerat, Uticam venit. Ad eum statim concursum est. Atque ille non mediocri cupiditate arripuit imperium, si illud imperium esse potuit, quod privato clamore multitudinis imperitae, nullo publico consilio deferebatur. Itaque Ligarius, qui omne tale negotium cuperet effugere, paullum adventu Vari conquievit. II. Adhuc, C. Caesar, Q. Ligarius omni culpa vacat. Domo est egressus non modo nullum ad bellum, sed ne ad minimam quidem suspicionem belli; legatus in pace profectus in provincia pacatissima ita se gessit ut ei pacem esse expediret. Profectio certe animum tuum non debet offendere. Num igitur remansio? Multo minus; nam profectio voluntatem habuit non turpem, remansio necessitatem etiam honestam. Ergo haec duo tempora carent crimine; unum, quum est legatus profectus, alterum, quum efflagitatus a provincia praepositus Africae est. Tertium tempus est, quod post adventum Vari in Africa restitit, quod si est criminosum, necessitatis crimen est, non voluntatis. An ille, si potuisset ullo modo evadere, Uticae quam Romae, cum P. Attio quam cum concordissimis fratribus, cum alienis esse quam cum suis maluisset? Quum ipsa legatio plena desiderii ac sollicitudinis fuisset propter incredibilem quendam fratrum amorem, hic aequo animo esse potuit belli discidio distractus a fratribus?

Nullum igitur habes, Caesar, adhuc in Q. Ligario signum alienae a te voluntatis, cujus ego caussam, animadverte, quaeso, qua fide defendam, [quum] prodo meam. O clementiam admirabilem atque omni laude, praedicatione, litteris monumentisque decorandam!

first to protect them, next also to be the head of the party which they favoured: the party of Cn. Pompeius. Some of the provincials had seen Pompeius when he was a young man and had settled the Provincia Africa by the defeat of Cn. Domitius (Plutarch, Pomp. c. 12).

praetor] That is, 'propraetor,' but when a man had been a 'praetor,' and had got a province, it was usual to call him 'praetor' still. He landed at Utica, which is north-west of Carthage, and the port which the Romans generally used when they came to Africa.

imperium] The command of the troops, if that could be called a command which was conferred without any authority by the clamour of an ignorant people, and by no public authority, such as the Roman senate.

Orelli has 'ad privatum,' and many earlier editions. 'Privato' is from the Cod. Salisburg. (Baiter, who has followed it). There is also a reading 'in privato' and 'a privato.' Baiter says that the confusion in the best MSS. has arisen from the fact of 'privato' being taken as an adjective and joined with 'clamore.'

2. *in pace profectus, &c.*] Baiter has 'in pace profectus est; in provincia,' &c.

quod post] Baiter. The reading 'quo post' does not perhaps express the meaning, which is this: 'A third time is that of his remaining in Africa' (quod restitit).—'hic aequo:' 'hic' seems to mean 'under these circumstances,' as Halm remarks.

[*quum*] *prodo*] Baiter says nothing of 'quum,' and I do not know if there is any MSS. authority for it: 'qua fide defendam: prodo meam:' as he has it, does not seem to hang well together. "Gulielmiani tres item Put. non agnoscunt *cum* et videtur a

Quum M. Cicero apud te defendit alium in ea voluntate non fuisse in qua seipsum confitetur fuisse, nec tuas tacitas cogitationes extimescit, nec quid tibi de alio audienti de se ipso occurrat reformidat. III. Vide quam non reformidem, vide quanta lux liberalitatis et sapientiae tuae mihi apud te dicenti oboriatur. Quantum potero voce contendam ut hoc populus Romanus exaudiat: Suscepto bello, Caesar, gesto etiam ex parte magna, nulla vi coactus, judicio ac voluntate ad ea arma profectus sum quae erant sumpta contra te. Apud quem igitur hoc dico? Nempe apud eum qui, quum hoc sciret, tamen me antequam vidit rei publicae reddidit; qui ad me ex Aegypto litteras misit ut essem idem qui fuissem; qui, quum ipse imperator in toto imperio populi Romani unus esset, esse me alterum passus est; a quo, hoc ipso C. Pansa mihi nuntium perferente, concessos fasces laureatos tenui quoad tenendos putavi; qui mihi tum denique se salutem putavit reddere, si eam nullis spo-

librario irrepsisse" (Gruter).—'monumentisque:' Halm remarks that in the first part of the imperial period mention is made of real 'arae clementiae.' I don't think that Cicero here alludes to this. 'Literae monumentaque' is 'letters and memorials' of any kind.

defendit] 'when he maintains.' See Index, Vol. ii.

3. *Quantum potero . . . parte magna*] Quoted by Quintilian xi. 3. 166; and also "Suscepto bello . . . contra te," ix. 2. 28, which Quintilian quotes as an example of the figure Licentia, called by the Greeks *παῤῥησία*. He says "Quid enim minus figuratum quam vera libertas? Sed frequenter sub hac facie latet adulatio. Nam Cicero quum dicit pro Ligario, 'Suscepto bello . . . sumpta contra te,' non solum ad utilitatem Ligarii respicit, sed magis laudare victoris clementiam non potest."——'exaudiat:' see Index, Vol. iii.

gesto etiam] Cn. Pompeius was driven from Italy before Cicero left it to join him in Epirus; and Sicily was also vacated by the Pompeian party. A long letter of Cicero to Atticus (x. 8), written after Pompeius had left Italy, and while Caesar was on his way to Spain to oppose Pompeius' legati, shows Cicero's unsteady resolution at this critical time. This letter contains a copy of a letter from Antonius to Cicero, in which Antonius begs him not to leave Italy, and a copy of a letter from Caesar to Cicero, written by Caesar on his road to Spain, and dated the 17th of April, 'ex itinere.' Caesar entreats Cicero to stay in Italy and to take no part in the contest, 'proclinata jam re,' now when things were in favour of Caesar. It is a very sensible and moderate letter, and has all the air of sincere friendship. Yet the foolish man went after all on the 7th of June B.C. 49 to join those whom he feared and despised (Ad Div. xiv. 7).

ex Aegypto] Cicero was at Brundisium in B.C. 47 anxiously waiting for a letter from Caesar, which he got at last about the middle of August: "Redditae mihi tandem sunt a Caesare literae satis liberales" (Ad Div. xiv. 24. 23).

imperator . . . unus] In B.C. 46 Caesar was Dictator (Plut. Caesar, c. 51); and he received the title of Imperator as a Praenomen (Sueton. Caesar, c. 67). In the republican period, as Tacitus says (Ann. iii. 74), there were often several Imperatores, but Caesar's title of Imperator prefixed to his name was a new thing (Dion 43, c. 44).

fasces laureatos] Cicero brought his 'fasces laureati' with him from Cilicia B.C. 50, expecting to have a triumph for his petty victories over the mountaineers of the Amanus. He reached the gates of Rome early in January (B.C. 49), but he did not enter the city, because he would have thereby lost the chance of showing himself in his triumphal car. He carried about with him his withered bays till he was tired of them (Ad Div. ii. 16). Caesar allowed him to keep them after he saw Cicero at Brundisium in September B.C. 47. In October Cicero was at Rome, and got rid of his rubbish there, as we may suppose.

liatam ornamentis dedisset. Vide, quaeso, Tubero, ut, qui de meo facto non dubitem [dicere], de Ligarii non audeam confiteri. Atque haec propterea de me dixi ut mihi Tubero, quum de se eadem dicerem, ignosceret, cujus ego industriae gloriaeque faveo vel propter propinquam cognationem, vel quod ejus ingenio studiisque delector, vel quod laudem adolescentis propinqui existimo etiam ad meum aliquem fructum redundare. Sed hoc quaero, quis putat esse crimen fuisse in Africa [Ligarium]? Nempe is qui et ipse in eadem Africa esse voluit et prohibitum se a Ligario queritur, et certe contra ipsum Caesarem est congressus armatus. Quid enim tuus ille, Tubero, destrictus in acie Pharsalica gladius agebat, cujus latus ille mucro petebat, qui sensus erat armorum tuorum, quae tua mens, oculi, manus, ardor animi? Quid cupiebas, quid optabas? Nimis urgeo; commoveri videtur adolescens; ad me revertar. Iisdem in armis fui. IV. Quid autem aliud egimus, Tubero, nisi ut quod hic potest nos possemus? Quorum igitur impunitas, Caesar, tuae clementiae laus est, eorum ipsorum ad crudelitatem te acuit oratio? Atque in hac caussa nonnihil equidem, Tubero, etiam tuam, sed multo magis patris tui prudentiam desidero, quod homo quum ingenio, tum etiam doctrina excellens, genus hoc caussae quod esset non viderit. Nam si vidisset, quovis profecto quam isto modo a te agi maluisset.

Vide . . . audeam] Quoted by Quintilian (v. 10. 93), but he omits 'dicere,' and also 'non' before 'audeam.' 'Non' is also omitted in C., and S. has 'de Ligario autem audeo.' It seems as if Quintilian thought that the 'non' would not fit the sense. But Cicero so far has admitted nothing against Ligarius. Though he has confessed all about himself, he could not venture to make such admissions against Ligarius; he could not say that Ligarius had voluntarily taken up arms against Caesar.

quum de se eadem] 'when I say the same of him,' that he took up arms against Caesar.—'industriae:' his oratorical studies.

prohibitum se] See the Introd. Quintilian (xi. 1) says: "Potest evenire ut in aliis reprehendenda sint quae ipsi fecerimus, ut objicit Tubero Ligario, Quod in Africa fuerit." Quintilian (xi. 1. 80) has preserved the substance of Tubero's defence of himself and his charge against Ligarius: "Tubero juvenem se patri haesisse, illum a senatu missum non ad bellum, sed ad frumentum coemendum ait; ut primum licuerit, a partibus recessisse; Ligarium et perseverasse et non pro Cn. Pompeio, inter quem et Caesarem dignitatis fuerit contentio, quum salvam uterque rem publicam vellet, sed pro Juba atque Afris inimicissimis populo Romano stetisse."

Quid enim . . . quid optabas?] Quoted by Quintilian viii. 4. 27, and parts of it in several other places. Plutarch (Cicero, c. 39) writes: "But when Cicero had begun to speak, and was making a wonderful sensation, and his speech as he proceeded was in feeling varied and in grace admirable, the colour often changed in Caesar's face, and it was manifest that he was undergoing divers emotions in his mind; but at last when the orator touched on the battle of Pharsalus, he was so affected that his body shook, and he dropped some of the writings from his hands."

4. *Quid autem . . . possemus?*] Quintilian v. 13. 5, and ix. 2. 29, where he says "in illa vero sententia, 'Quid autem . . . possemus?' admirabiliter utriusque partis facit bonam caussam: sed hoc eum (Ligarium) demeretur, cujus mala fuerat."

Arguis fatentem. Non est satis. Accusas eum qui caussam habet aut, ut ego dico, meliorem quam tu, aut, ut tu vis, parem. Haec admirabilia, sed prodigii simile est quod dicam. Non habet eam vim ista accusatio ut Q. Ligarius condemnetur, sed ut necetur. Hoc egit civis Romanus ante te nemo. Externi isti sunt mores, qui usque ad sanguinem incitari solent odio, aut levium Graecorum aut immanium barbarorum. Nam quid agis aliud? Romae ne sit, ut domo careat? ne cum optimis fratribus, ne cum hoc T. Broccho avunculo suo, ne cum ejus filio consobrino suo, ne nobiscum vivat? ne sit in patria? num est? num potest magis carere his omnibus quam caret? Italia prohibetur: exsulat. Non tu ergo patria privare qua caret, sed vita vis. At istud ne apud eum quidem dictatorem, qui omnes quos oderat morte mulctabat, quisquam egit isto modo. Ipse jubebat occidi nullo postulante; praemiis etiam invitabat; quae tamen crudelitas ab hoc eodem aliquot annis post, quem tu nunc crudelem esse vis, vindicata est. V. Ego vero istud non postulo, inquies. Ita mehercle existimo, Tubero. Novi enim te, novi patrem, novi domum nomenque vestrum; studia generis ac familiae vestrae virtutis, humanitatis, doctrinae, plurimarum artium atque optimarum, nota sunt mihi omnia. Itaque certo scio vos non petere sanguinem, sed parum

Externi . . . barbarorum] This is the reading of C. Baiter follows Modius: 'Externi isti mores, usque ad sanguinem incitari odi) aut.' Most of the MSS. have 'solent,' and there is no reason for erasing it. Cicero often speaks of the 'levitas,' the light, unsettled character of the Greeks. See the oration Pro Flacco.

T. Broccho] "Brocchus Furiae familiae cognomen est in argenteo denario in quo L. FVRIVS CN. F. BROCCHVS descriptus est" (F. Ursinus).

consobrino] The children of a brother and sister were 'amitini.' 'Consobrini' were the children of sisters, 'quasi consororini;' "sed plerique hos omnes consobrinos vocant qui ex fratribus et sororibus nascuntur" (Paulus, De Gradibus, &c., Dig. 38. 10. 10, § 15).

Non tu ergo patria] The editions have 'hunc' after 'ergo,' but Ligarius was not present. G. has 'Non tu ergo' only, and Baiter. Halm writes 'Non tu ergo eum.'

eum . . . dictatorem] L. Sulla, who as Plutarch says (Sulla, c. 31) even rewarded the murderers: "The reward for killing a proscribed person was two talents, whether it was a slave who killed his master or a son who killed his father."

aliquot annis post] Seventeen years later, when C. Caesar was 'judex quaestionis de sicariis' in the consulship of L. Julius Caesar and C. Marcius Figulus, B.C. 64 (Fr. Fabritius). Dion Cassius (37, c. 10): ὅ τε γὰρ τὸν Λουκρήτιον ἐκ τῆς τοῦ Σύλλου προστάξεως ἀποκτείνας καὶ ἕτερός τις συχνοὺς τῶν ἐπικηρυχθέντων ὑπ' αὐτοῦ φονεύσας καὶ κατηγορήθησαν ἐπὶ σφαγαῖς καὶ ἐκολάσθησαν τοῦ Καίσαρος τοῦ Ἰουλίου τοῦθ' ὅτι μάλιστα παρασκευάσαντος. This is Dion's story. Suetonius (Julius, c. 11) says that "Caesar exercuit quaestionem de sicariis."

5. *generis ac familiae*] The gens of the Tuberones was the Aelia, which contained the Pacti, the Lamiae, and other families. One of the Paeti named Sextus Aelius, consul B.C. 198, was a jurisconsult, and also his brother Publius. In the family of the Tuberones, Q. Aelius Tubero, called the Stoic, was praetor B.C. 123; he had some reputation as a lawyer and was an honest man (Pro Murena, c. 36). L. Aelius Tubero, the father of the man whom Cicero is addressing, was an historical writer and a philosopher. His son was the jurist Q. Tubero, who is often cited in the Digest.

attenditis; res enim eo spectat ut ea poena, in qua adhuc Q. Ligarius sit, non videamini esse contenti. Quae est igitur alia praeter mortem? Si enim est in exsilio, sicuti est, quid amplius postulatis? An ne ignoscatur? Hoc vero multo acerbius multoque est durius. Quod nos [domi] petimus precibus, lacrimis, strati ad pedes, non tam nostrae caussae fidentes quam hujus humanitati, id ne impetremus oppugnabis, et in nostrum fletum irrumpes, et nos jacentes ad pedes supplicum voce prohibebis? Si quum hoc domi faceremus, quod et fecimus, et, ut spero, non frustra fecimus, tu repente irrupisses et clamare coepisses: C. Caesar, cave ignoscas, cave te fratrum pro fratris salute obsecrantium misereat: nonne omnem humanitatem exuisses? Quanto hoc durius, quod nos domi petimus, id te in foro oppugnare et in tali miseria multorum perfugium misericordiae tollere? Dicam plane, C. Caesar, quod sentio. Si in hac tanta tua fortuna lenitas tanta non esset, quam tu per te, per te, inquam, obtines—intelligo quid loquar—acerbissimo luctu redundaret ista victoria. Quam multi enim essent de victoribus qui te crudelem esse vellent, quum etiam de victis reperiantur! quam multi, [qui] quum a te nemini ignosci vellent, impedirent clementiam tuam, quum etiam hi quibus ipse ignovisti nolint te esse in alios misericordem! Quod si probare Caesari possemus in Africa Ligarium omnino non fuisse, si honesto et misericordi mendacio saluti civi calamitoso esse vellemus, tamen hominis non esset in tanto discrimine et periculo civis refellere et redarguere nostrum mendacium, et si esset alicujus, ejus certe non esset qui in eadem caussa et fortuna fuisset. Sed tamen aliud est errare Caesarem nolle, aliud est nolle misereri. Tunc diceres: Caesar, cave credas; fuit in Africa [Ligarius]; tulit arma contra te. Nunc quid dicis? Cave ignoscas. Haec nec hominis nec ad hominem vox est, qua qui apud te, C. Caesar, utitur, suam citius abjiciet humanitatem quam extorquebit tuam.

VI. Ac primus aditus et postulatio Tuberonis haec, ut opinor,

[*domi*] *petimus*] 'domi petimus' G. E. C. Fabritius and others would either read 'domi petiimus,' or they would erase 'domi.' The word 'domi' occurs afterwards.—'oppugnabis:' many editions have 'pugnabis.'

Quanto hoc . . . domi petimus] It has been proposed to change 'petimus' into 'petiimus,' because this speech was made in the forum. But Halm observes that the remark is general, and expresses only the mode of entreaty, not the time.

Si in hac tanta . . . quid loquar] Quoted by Quintilian (viii. 3. 85), who has 'Quodsi,' &c. Quintilian has also 'quam tu per te' with G. E. C. The printed books have generally 'quantam tu per tu.' But some editions of Quintilian have 'quantam.' This is given by Quintilian as an example of 'suppressio.' He says, "tacuit enim illud quod nihilominus accepimus, non deesse homines qui ad crudelitatem eum impellerent."

6. *aditus et postulatio*] 'Aditus' is a technical word. It means permission to ap-

fuit, velle se de Q. Ligarii scelere dicere. Non dubito quin admiratus sis, vel quod de nullo alio [quisquam], vel quod is qui in eadem caussa fuisset, vel quidnam novi [sceleris] afferret. Scelus tu illud vocas, Tubero? Cur? Isto enim nomine illa adhuc caussa caruit. Alii errorem appellant, alii timorem; qui durius, spem, cupiditatem, odium, pertinaciam; qui gravissime, temeritatem; scelus, praeter te adhuc nemo. Ac mihi quidem, si proprium et verum nomen nostri mali quaeritur, fatalis quaedam calamitas incidisse videtur et improvidas hominum mentes occupavisse, ut nemo mirari debeat humana consilia divina necessitate esse superata. Liceat esse miseros—quamquam hoc victore esse non possumus—sed non loquor de nobis; de illis loquor qui occiderunt. Fuerint cupidi, fuerint irati, fuerint pertinaces: sceleris vero crimine, furoris, parricidii, liceat Cn. Pompeio mortuo, liceat multis aliis carere. Quando hoc quisquam ex te, Caesar, audivit, aut tua quid aliud arma voluerunt nisi a te contumeliam propulsare? Quid egit tuus invictus exercitus, nisi ut suum jus tueretur et dignitatem tuam? Quid, tu quum pacem esse cupiebas, idne agebas ut tibi

proach a person, generally one in authority; and 'postulatio' has its ordinary technical use, which is to ask the praetor (exempli gratia) for permission to commence proceedings against a person.

[*quisquam*]] Haupt conjectured 'quicquam,' which, says Halm, is confirmed by the codex of Oehler. Mommsen, says Baiter, saw that 'quisquam' was a glossema; for it is only Tubero of whom Cicero is speaking.

novi] Some MSS. add 'sceleris,' others 'facinoris.' "*Novi* (deleto substantivo) Patricius" (Baiter). But Patricius is not so positive: he frequently offers several things for our choice. He seems to have often changed his mind. "*Facinoris* fere delerem, vel si quis refragaretur, etiam relinquerem; vel denique quod in quibusdam veteribus Lambinus scribit se reperisse, in *sceleris* commutarem."

quaeritur] 'quaeratur' G. E. But 'quaeratur' would require 'videatur' in the corresponding member of the sentence.—'ut nemo:' this is the common Roman formula of a conclusion, 'And therefore no man need wonder if human wisdom was overpowered by supernatural necessity.' 'Fatum' did it all. Pro Marcello, c. 6. Halm quotes one of Dion's speeches of Caesar in the senate (43, c. 17): οἰκτιωθῶμεν ἐκλαθόμενοι πάντων τῶν συμβεβηκότων, ὡς καὶ ἀνάγκῃ τινὶ δαιμονίᾳ γεγονότων: and he says, perhaps Cicero here with great tact uses Caesar's own expressions. This may be so, but we cannot be sure that we get Caesar's own expressions from Dion, for this tasteless man did not use Caesar's own speeches, even when he had them before him. (Vol. ii. p. 294 and the note.)

parricidii] A traitor to his country was sometimes called 'parricida.' "It was the court fashion in the time of Tiberius (Tacit. Ann. iv. 34) to call Brutus and Cassius 'parricidae,' as the example of the venal historian Valerius Maximus shows" (Halm). For once the court tone was right. What else were Caesar's assassins and Cicero too?

contumeliam] Caesar's own words, to which Manutius refers: "Doluisse se quod populi Romani beneficium sibi per contumeliam ab inimicis extorqueretur, ereptoque semestri imperio in urbem retraheretur, cujus absentis rationem haberi proximis comitiis populus jussisset" (B. C. i. 9). The 'beneficium' was the permission which had been granted to Caesar to be a candidate a second time for the consulship in his absence from Rome.

pacem . . . cupiebas] Caesar professed a desire for peace several times, but he always wanted good terms for himself. A victorious general at the head of a veteran army would not have been content with a little. Cicero in a letter to Tiro (Ad Div. xvi. 12) mentions the terms which Caesar offered after he had taken Ariminum, Pisaurum, Ancona, and Arretium, and he says

cum sceleratis an ut cum bonis civibus conveniret? Mihi vero, Caesar, tua in me maxima merita tanta certe non viderentur, si me ut sceleratum a te conservatum putarem. Quomodo autem tu de re publica bene meritus esses, quum tot sceleratos incolumi dignitate esse voluisses? Secessionem tu illam existimavisti, Caesar, initio, non bellum, neque hostile odium, sed civile discidium; utrisque cupientibus rem publicam salvam, sed partim consiliis, partim studiis a communi utilitate aberrantibus. Principum dignitas erat paene par, non par fortasse eorum qui sequebantur; caussa tum dubia, quod erat aliquid in utraque parte quod probari posset; nunc melior ea judicanda est quam etiam dii adjuverunt. Cognita vero clementia tua, quis non eam victoriam probet, in qua occiderit nemo nisi armatus?

that the conditions will be accepted, if Caesar will remove his garrisons from the towns which he had occupied in order that the senate might deliberate on them in safety at Rome. This proposal came to nothing and the war was continued. There is also a letter from Caesar to Oppius (Ad Att. ix. 7) in which he speaks of his great desire for peace. Oppius gave Cicero the letter or a copy of it, and Cicero sent a copy to Atticus, and thus Caesar's letter has been preserved. If Caesar was sincere, and Cicero told Atticus that he thought so, we may conclude that he would have avoided war if he could; but still he would have been the first man in Rome; he would have had the consulship again, and perhaps he might have attained his ends with less trouble to himself (Ad Att. vii. 15). In his address to his soldiers before the battle of Pharsalia, Caesar also reminded them of his repeated proposals for peace (B. C. iii. 90). Velleius (ii. 49) says that Caesar left no means untried to bring about peace, and that the faction of Pompeius rejected all offers. Plutarch (Antonius) forms a different judgment, when he says that Caesar eagerly desired the war, and was seized with an insatiable love of dominion and a furious desire to be the first and greatest. But neither of these writers is sufficient authority for either of these facts.

There is a curious admission by Cicero in a letter to Atticus (viii. 3), written B.C. 49, after Caesar had got possession of Picenum. He was deliberating what he should do if Pompeius left Italy, which Cicero suspected that he would do. If Cicero stayed in Italy, he would be deserting "all the best and most illustrious citizens who would accompany Pompeius; and he must fall into the hands of one man, who had in many ways shown that he was a friend to Cicero;" and, he adds, "you know that I have long since taken pains that he should be my friend, because I expected this impending storm."

Principum dignitas] Compare Pro Marcello, c. 10 and the note. The words 'Principum . . . sequebantur' are quoted by Quintilian ix. 3. 36; and the words 'caussa . . . adjuverunt,' v. 14. 1. Abrami thinks that the 'dignitas' of Pompeius was superior. His career was certainly very remarkable, and if he had written Commentarii like Caesar, we might have formed a better estimate of his merit. Abrami reminds us that when Pompeius took Jerusalem he did not plunder the temple, and that Caesar, as Suetonius says (Julius, c. 54), robbed the sacred places in Gallia which were full of offerings. Of course Caesar says nothing of this, and we may doubt if he would have found much in the Gallic temples, particularly as in most parts of Gallia there were none.

non par fortasse] Cicero in a letter to Atticus (vii. 3) describes Caesar's followers in the civil war as consisting of all the worst men, men who had been convicted of crime or who deserved to be: "Omnes qui aere alieno premantur, quos plures esse intelligo quam putaram: caussam solum illa caussa non habet; ceteris rebus abundat." There was some truth in this. Caesar had the insolvents with him, and they are always the ready tools of a usurper, as we have seen by a recent example in France. Velleius (ii. 49) making a contrast between the factions of Caesar and Pompeius does it with more temper and justice. There were reasons however why he should speak as he did. The party of Pompeius was the nobility, but many of these men also were spendthrifts and insolvents.

VII. Sed ut omittam communem caussam, veniamus ad nostram. Utrum tandem existimas facilius fuisse, Tubero, Ligarium ex Africa exire an vos in Africam non venire? Poteramusne, inquies, quum senatus censuisset? Si me consulis, nullo modo. Sed tamen Ligarium senatus idem legaverat; atque ille eo tempore paruit, quum parere senatui necesse erat: vos tunc paruistis quum paruit nemo qui noluit. Reprehendo igitur? Minime vero; neque enim licuit aliter vestro generi, nomini, familiae, disciplinae. Sed hoc non concedo ut, quibus rebus gloriemini in vobis, easdem in aliis reprehendatis. Tuberonis sors conjecta est ex senatusconsulto, quum ipse non adesset, morbo etiam impediretur; statuerat excusare. Haec ego novi propter omnes necessitudines, quae mihi sunt cum L. Tuberone: domi una eruditi, militiae contubernales, post affines, in omni denique vita familiares; magnum etiam vinculum quod iisdem studiis semper usi sumus. Scio igitur Tuberonem domi manere voluisse; sed ita quidam agebat, ita rei

7. *communem caussam*] 'to say no more about that which applies to all.'—'legaverat:' the senate had appointed Ligarius a 'legatus,' and at a time when he was bound to obey the senate; before the war broke out or was apprehended and when the authority of the senate was undisputed. Things were not so when Tubero was sent to Africa. Caesar had invaded Italy and the senate had no power.

quibus rebus, &c.] 'I will not allow you to blame in others that which you make a subject of boast in your own case;' obedience to the senate. 'Gloriari' is used sometimes with an ablative.

sors conjecta est] The name of L. Tubero with other names was thrown into the 'urna.' The 'sortes' were shaken and then drawn out by the hand to determine who should have the office. Caesar (B. C. i. 30) says: "Africam Tubero sorte obtinere debebat." Caelius in a letter to Cicero (Ad Div. viii. 8) reports the terms of a Senatusconsultum for the determination of the governors of provinces by lot: "si ii ad numerum non essent, tunc deinceps proximi cujusque collegii qui praetores fuissent neque in provincias profecti essent in sortem conjicerentur, quoad is numerus effectus esset quem ad numerum in provincias mitti oporteret."

excusare] To make a legal excuse on the ground of bad health. The word is often used with a case after it. The Romans could say 'excusare morbum.' See Excusatio, Index, Vol. iii.

cum L. Tuberone] See Pro Plancio, c. 41 and the note. The intimacy of Cicero and L. Tubero began when they were boys, and it was continued in the camp. Cicero saw something of the Marsic or Italic war under Cn. Pompeius Strabo. Cicero does not mean that their education was at home in their fathers' house, as the word 'una' shows; but 'domi' is opposed to 'militiae.' They went together to some school or master. Plutarch, who may have found the anecdote somewhere, for I do not suppose that he invented it, speaks of Cicero's school reputation (Cicero, c. 2). It was the fashion in Cicero's time to send boys to schools. Quintilian (i. c. 2), always a wise and safe adviser, shows the advantage of boys being brought up together. He says: "Ante omnia futurus orator, cui in maxima celebritate et in media rei publicae luce vivendum est, assuescet jam a tenero non reformidare homines neque illa solitaria et velut umbratili vita pallescere." He speaks of friendships thus formed which continue all through life: "neque enim est sanctius sacris iisdem quam studiis initiari." What follows is a simple but most valuable observation: "Sensum ipsum, qui communis dicitur, ubi discet, quum se a congressu, qui non hominibus solum, sed mutis quoque animalibus naturalis est, segregarit? Adde quod domi ea sola discere potest quae ipsi praecipientur; in schola etiam quae aliis." Here 'domi' is opposed to 'schola.'

agebat] There is a reading 'aiebat,' of small authority. This 'quidam,' whoever he is, urged him, 'agebat cum eo.' Baiter says nothing of the readings. Some of the

publicae sanctissimum nomen opponebat, ut, etiamsi aliter sentiret, verborum tamen ipsorum pondus sustinere non posset. Cessit auctoritati amplissimi viri, vel potius paruit. Una est profectus cum iis quorum erat una caussa. Tardius iter fecit; itaque in Africam venit jam occupatam. Hinc in Ligarium crimen oritur vel ira potius. Nam si crimen est [illum] voluisse, non minus magnum est vos Africam, arcem omnium provinciarum, natam ad bellum contra hanc urbem gerendum, obtinere voluisse quam aliquem se maluisse. Atque is tamen aliquis Ligarius non fuit. Varus imperium se habere dicebat; fasces certe habebat. Sed quoquo modo se illud habet, haec querela vestra, Tubero, quid valet?—Recepti in provinciam non sumus.—Quid, si essetis? Caesarine eam tradituri fuistis an contra Caesarem retenturi? VIII. Vide quid licentiae, Caesar, nobis tua liberalitas det vel potius audaciae. Si responderit Tubero, Africam, quo senatus eum sorsque miserat, tibi patrem suum traditurum fuisse, non dubitabo apud ipsum te, cujus id eum facere interfuit, gravissimis verbis ejus consilium reprehendere. Non enim, si tibi ea res grata fuisset, esset etiam probata. Sed jam hoc totum omitto non tam ne offendam tuas patientissimas aures quam ne Tubero quod numquam cogitavit facturus fuisse videatur. Veniebatis igitur in Africam provinciam unam ex omnibus huic victoriae maxime infestam, in qua erat rex potentissimus, inimicus huic caussae, aliena voluntas, conventus

old editors had 'agebant' and 'opponebant;' and accordingly Patricius says "*Ipsorum* non verborum, sed eorum qui verbis illis ad eum utebantur." But if we read 'agebat,' we cannot accept this explanation. Gruter says that the words which follow condemn the plural. He means 'cessit auctoritati amplissimi viri.'

Hinc in Ligarium] From the fact of Africa being occupied by Attius Varus, before Tubero arrived (Caesar, B. C. i. 31).

[*illum*] *voluisse*] There is a reading 'ullum voluisse,' and 'ullum,' as some suppose, is the nominative. There is also 'prohibere illum voluisse.' Baiter remarks that 'ullum crimen' is an idle expression, that 'ullum' as equivalent to 'quemquam' is doubtful Latin, and that 'illum' is a perverse gloss; all which is well said. Abrami saw the meaning: 'For if the wish is a crime, it is no less a crime for you to have wished to have possession of the province, than for any other man to have preferred keeping it himself.' A reading, 'se imperatorem esse maluisse,' which used to appear in the printed books, was properly ejected by Lambinus.

Africa was the 'arx' of all the provinces, perhaps because it furnished Rome with supplies of grain, or rather because of its position and its historical recollections, as once having been the rival of Rome.

Recepti] See the Introduction.

tradituri fuistis] The MSS. have 'tradituri fuissetis;' but Lambinus properly changed 'fuissetis' into 'fuistis.'

8. *rex potentissimus*] Juba, king of Numidia, whose father Hiempsal Cn. Pompeius had established as king in B.C. 81 (Plutarch, Pomp. c. 12; De Bello Africano, c. 56). Caesar (B. C. ii. 25) says of Juba: "Huic et paternum hospitium cum Pompeio et simultas cum Curione intercedebat, quod tr. pl. legem promulgaverat qua lege regnum Jubae publicaverat." Curio had proposed in B.C. 50 to annex Juba's kingdom to the Roman state, and Juba was accordingly an enemy of Caesar, through being an enemy to Caesar's friend Curio; and for other reasons too (Sueton., Julius, c. 71).

conventus] This word has various senses, all of which are related (see Conventus,

firmi atque magni. Quaero, Quid facturi fuistis? quamquam quid facturi fueritis dubitem, quum videam quid feceritis? Prohibiti estis in provincia vestra pedem ponere, et prohibiti summa cum injuria. Quomodo id tulistis? acceptae injuriae querelam ad quem detulistis? Nempe ad eum cujus auctoritatem secuti in societatem belli veneratis. Quod si Caesaris caussa in provinciam veniebatis, ad eum profecto exclusi provincia venissetis. Venistis ad Pompeium. Quae est ergo haec apud Caesarem querela, quum eum accusetis a quo queramini prohibitos esse vos contra Caesarem gerere bellum? Atque in hoc quidem vel cum mendacio, si vultis, gloriemini per me licet, vos provinciam fuisse Caesari tradituros. Etiamsi a Varo et a quibusdam aliis prohibiti estis, ego tamen confitebor culpam esse Ligarii qui vos tantae laudis occasione privaverit. IX. Sed vide, quaeso, C. Caesar, constantiam ornatissimi viri [Tuberonis], quam ego, quamvis ipse probarem, ut probo, tamen non commemorarem, nisi a te cognovissem in primis eam virtutem solere laudari. Quae fuit igitur umquam in ullo homine tanta constantia? constantiam dico? nescio an melius patientiam possim dicere. Quotus enim istud quisque fecisset ut, a quibus partibus in dissensione civili non esset receptus, esset etiam cum crudelitate rejectus, ad eos ipsos rediret? Magni cujusdam animi atque ejus viri [est] quem de suscepta caussa propositaque sententia nulla contumelia, nulla vis, nullum periculum possit depellere. Ut enim cetera paria Tuberoni cum Varo fuissent, honos, nobilitas, splendor, ingenium, quae nequaquam fuerunt, hoc certe praecipuum Tuberonis fuit, quod justo cum imperio ex senatus consulto in provinciam suam venerat. Hinc prohibitus non ad Caesarem, ne

Index, Vol. i.). It means here the towns in which there were many Romans and perhaps others, who were rich and were on Pompeius' side. The disposition of Africa generally was unfavorable to Caesar ('aliena'). Halm writes 'aliena voluntas conventus firmi et magni,' making 'conventus' the genitive singular. He has a note for the purpose of explaining his view of the matter, which is a wrong view.

Quaero, Quid . . . fuistis?] 'Quid . . . fuistis' is a direct question; if it were not, we should have 'fueritis.'

dubitem . . . feceritis?] There is also the reading 'non dubitem . . . feceritis.'—'summa cum injuria:' G. omits 'cum' and also Baiter.

confitebor] 'confiteor' G. Baiter.

9. *tanta constantia*] "Cicero dwells particularly on the 'constantia,' because in the adversary's speech the early withdrawal of the Tuberones from the party of Pompeius was contrasted with the obstinacy of Ligarius" (Halm). But there is irony, as Patricius observes.

cum crudelitate] He was not permitted to land even his son, though he was ill (Introd.).

quae nequăquam] The Tuberones being Aelii were of higher rank than the Vari, who were Attii.—'justo cum imperio:' he came with authority, having his commission from the senate. The men to whom the provinces were given at this time by the senate had not received their Imperium from the Populus. Caesar (B. C. i. 6): "In reliquas provincias praetores mittuntur—Neque expectant ut de eorum imperio ad populum feratur, paludatique votis nuncupatis exeant." There was no authority from the Populus, no 'Lex curiata de imperio.'

iratus, non domum, ne iners, non in aliquam regionem, ne condemnare caussam illam quam secutus erat videretur; in Macedoniam ad Cn. Pompeii castra venit, in eam ipsam caussam, a qua erat rejectus [cum] injuria. Quid, quum ista res nihil commovisset ejus animum ad quem veneratis, languidiore, credo, studio in caussa fuistis; tantummodo in praesidiis eratis, animi vero a caussa abhorrebant: an, ut fit in civilibus bellis—nec in vobis magis quam in reliquis; omnes enim vincendi studio tenebamur: pacis equidem semper auctor fui, sed tum sero; erat enim amentis quum aciem videres pacem cogitare—omnes, inquam, vincere volebamus, tu certe praecipue, qui in eum locum veneras ubi tibi esset pereundum nisi vicisses. Quamquam, ut nunc se res habet, non dubito quin hanc salutem anteponas illi victoriae. X. Haec ego non dicerem, Tubero, si aut vos constantiae vestrae aut Caesarem beneficii sui poeniteret. Nunc quaero utrum vestras injurias an rei publicae persequamini. Si rei publicae, quid de vestra in ea caussa perseverantia respondebitis? Si vestras, videte ne erretis, qui Caesarem vestris inimicis iratum fore putetis, quum ignoverit suis. Itaque num tibi videor in caussa Ligarii esse occupatus, num de ejus facto dicere? Quidquid dixi, ad unam summam referri volo vel humanitatis vel clementiae vel misericordiae. Caussas, Caesar, egi multas, et quidem tecum, dum te in foro tenuit ratio honorum tuorum, certe num-

[*cum*] *injuria*] G. E[1]. C. omit 'cum.'

nihil commovisset] 'Ista res' refers to 'rejectus.' Pompeius was not moved at all by the insult which his partizan Tubero had received in Africa.

in praesidiis] 'in the camp,' 'in the army,' 'within the lines.'—'civilibus bellis:' Madvig supposes that something has been lost after these words; but the words between 'civilibus bellis' and 'omnes inquam' seem as other critics have suggested to be parenthetical matter, and the first part of the sentence is thus connected well enough with the latter part in sense, though not in strict grammatical propriety.—'in eum locum:' the camp of Pompeius, as Manutius explains it. Halm suggests that 'locus' may have the figurative sense, 'you had got into such a position.'

10. *tibi videor*] 'tibi videor, Caesar,' Orelli, and other earlier editions, which also have 'misericordiae tuae.'—'ad unam summam:' the same as 'ad unum caput.' All that he has said applies not to the defence of Ligarius, but is directed to one single thing, call it humanity, clemency, or mercy, which you please.

Caussas . . . si umquam posthac] Quoted by Quintilian vii. 4. 17. Caesar often appeared as an orator while he was pursuing the usual road to the 'honores,' which Cicero calls the 'ratio honorum tuorum.' At the age of twenty-one, or, as some would have it, twenty-three, he prosecuted Dolabella (B.C. 77), and the orations which he delivered on that occasion were still read with admiration when the author of the "De Oratoribus Dialogus" wrote (c. 34). Cicero also speaks of Caesar's oratorical talents in his Brutus (c. 72). He says that Caesar spoke Latin better than almost any orator; and he added to this propriety of speech, the oratorical ornaments, which Cicero likens to the placing of good pictures in a good light. Quintilian says (x. 1. 114) that if C. Caesar had given all his time to the Forum, no other Roman could have been named as a match for Cicero; "so much energy is there in him, such acuteness, such life, that it appears that he spoke with the same spirit with which he fought. And yet all this is set off by a propriety of language ('sermonis elegantia') of which he was particularly stu-

quam hoc modo: 'Ignoscite, judices, erravit, lapsus est, non putavit; si umquam posthac.'—Ad parentem sic agi solet; ad judices: 'Non fecit, non cogitavit, falsi testes, fictum crimen.'—Dic te, Caesar, de facto Ligarii judicem esse; quibus in praesidiis fuerit quaere: taceo, ne haec quidem colligo quae fortasse valerent etiam apud judicem: "Legatus ante bellum profectus, relictus in pace, bello oppressus, in eo ipso non acerbus, jam est totus animo et studio tuus." Ad judicem sic [agi solet], sed ego apud parentem loquor: "Erravi, temere feci, poenitet; ad clementiam tuam confugio, delicti veniam peto; ut ignoscatur oro." Si nemo impetravit, arroganter; si plurimi, tu idem fer opem, qui spem dedisti. An sperandi Ligario caussa non sit, quum mihi apud te locus sit etiam pro altero deprecandi? Quamquam nec in hac oratione spes est posita caussae, nec in eorum studiis, qui a te pro Ligario petunt tui necessarii. XI. Vidi enim et cognovi quid maxime spectares, quum pro alicujus salute multi laborarent; caussas apud te rogantium gratiosiores esse quam vultus; neque te spectare quam tuus esset necessarius is qui te oraret, sed quam illius pro quo laboraret. Itaque tribuis tu quidem tuis ita multa ut mihi

dious." Caesar left many speeches, but nothing remains except a few sentences collected by Meyer in his "Oratorum Romanorum Frag." Meyer and others suppose the speech which Sallust puts in Caesar's mouth on the occasion of the debate about punishing the conspirators to be Sallust's own work (Cat. c. 51).

G. E. have 'et quidem.' Halm and Baiter have 'equidem.' Quintilian (vii. 4. 17) in quoting this passage, 'Caussas, Caesar, . . . unquam posthac,' says: "Ultima est Deprecatio, quod genus caussae plerique negarunt in judicium umquam venire. Quin Cicero quoque pro Quinto Ligario idem testari videtur quum dicit 'Caussas,' &c. In senatu vero et apud populum et apud principem et ubicunque juris clementia est, habet locum Deprecatio."

non putavit] He did not think of what he was doing, or he had no intention of doing it.—'si umquam:' 'if ever he does it again,' I shall not ask for pardon; as in Terence's Phormio, i. 2. 92:

"Posthac si quicquam, nihil precor."

Donatus, as Halm remarks, quoting the words in the Andria i. 1. 86, 'Haec ego putabam,' says "*Putare* est ejus qui simplicitate pectoris aberravit. Cicero, 'Non putavit, lapsus est.'"

Dic te, Caesar] It is the same as if he said, 'If you, Caesar, say that you are a Judex, &c., then I say nothing, I do not even put together the arguments which might perhaps have some weight even with a Judex.'

jam est] Madvig, Baiter. There is no sense in the reading 'etiam si totus.' Graevius proposed to omit 'etiam si.'

[agi solet]] These words have been supposed not to be genuine.—'erravi . . . feci:' G. E. Baiter has 'erravit . . . fecit.'

tu idem] Donatus (Ter. And. ii. 1. 19) quotes the words thus: "Tu da salutem qui spem dedisti" (Baiter).

An sperandi . . . deprecandi?] Quoted by Quintilian (v. 10. 93) as an example of the 'argumentum ex difficiliore,' as he calls it. 'If Caesar could pardon me, and even allow me to speak for a friend, this friend must have good ground for hope.'

11. *vultus*] "C., 'preces' G. E., sed in E superscriptum est 'vel *vultus*'" (Baiter). Cicero said at the end of the preceding chapter that Ligarius' hopes did not rest either on this speech or on those who were intimate with Caesar. Here he says that Caesar paid more regard to the reasons which moved those who interceded with him ('caussas rogantium') than to their persons, or, as he expresses it, their faces.

Itaque tribuis] 'Itaque,' as Halm re-

beatiores illi [esse] videantur interdum, qui tua liberalitate fruuntur, quam tu ipse, qui illis tam multa concedas; sed video tamen apud te caussas, ut dixi, rogantium valere plus quam preces, ab iisque te moveri maxime, quorum justissimum videas dolorem in petendo.

In Q. Ligario conservando multis tu quidem gratum facies necessariis tuis; sed hoc, quaeso, considera, quod soles. Possum fortissimos viros Sabinos tibi probatissimos, totumque agrum Sabinum florem Italiae ac robur rei publicae proponere. Nosti optimos homines. Animadverte horum omnium maestitiam et dolorem: hujus T. Brocchi, de quo non dubito quid existimes, lacrimas squaloremque ipsius et filii vides. Quid de fratribus dicam? Noli, Caesar, putare de unius capite nos agere. Aut tres tibi Ligarii retinendi in civitate sunt, aut tres ex civitate exterminandi. Nam quodvis exsilium his est optatius quam patria, quam domus, quam dii penates, uno illo exsulante. Si fraterne, si pie, si cum dolore faciunt, moveant te horum lacrimae, moveat pietas, moveat germanitas; valeat tua vox illa [quae vicit]; te enim dicere audiebamus nos omnes adversarios putare, nisi qui nobiscum essent; te omnes qui contra te non essent tuos. Videsne igitur hunc splen-

marks, must be connected with 'sed tamen.' The form of the thought is this: Though you are so liberal, still I see that the motives of those who solicit you have more weight than their entreaties, 'and that you are most moved by those whose sympathy with the unfortunate, expressed in their petitions ('dolorem in petendo'), you observe to have the best foundation.'

Sabinos ... agrum Sabinum] Cicero rhetorically speaks of the whole Sabine race, though only a few were present. These men of the highlands were the flower and strength of Italy:

"Haec genus acre virum Marsos pubemque Sabellam"
(Virg. Georg. ii. 167);

and Horace (Carm. iii. 6, 37) and others commemorate their martial qualities:

"Sed rusticorum mascula militum
Proles Sabellis docta ligonibus
Versare glebas."

optimos homines] There is an inferior reading 'optime.' Caesar may have had many of these fighting men in his legions. But Fabritius reminds us that when Caesar was a young man he hid himself in the Sabine country to escape from Sulla's vengeance (Plut. Caesar, c. 1), and so he may have known something of them in those dangerous times.

vox illa] The words which he is going to mention. Lambinus says that the MSS. have 'quae dicit,' and he suspects that 'quae vicit,' or 'quae dicit' is foreign to the matter and an interpolation. Baiter says nothing about it. We can do better without the addition.

nos omnes] Suetonius (Julius, c. 75): "Denuntiante Pompeio pro hostibus se habiturum qui rei publicae defuissent, ipse (Caesar) medios et neutrius partis suorum sibi numero futuros pronuntiavit." Pompeius' threat was a serious one, for he would have massacred or proscribed those who did not join him, if he had been victorious; and Cicero in his letters says so. Caesar was wiser. In his book on the Civil War (i. c. 33) Caesar says what Suetonius does. Cicero writes to Atticus (xi. 6) after Pompeius' death: "L. vero Lentulus Hortensii domum sibi et Caesaris hortos apud Baias desponderat. Omnino haec eodem modo ex hac parte fiunt, nisi quod illud erat infinitum. Omnes enim qui in Italia manserant hostium numero habebantur." It was this threat perhaps which drove Cicero from Italy and brought him to Pompeius in Epirus against his will. He was sure of Caesar's pardon if he joined Pompeius, and sure of Pompeius' vengeance if he joined Caesar.

dorem omnium, hanc Brocchorum domum, hunc L. Marcium, C. Caesetium, L. Corfidium, hos omnes equites Romanos, qui adsunt veste mutata, non solum notos tibi, verum etiam probatos viros, qui tecum fuerunt? Atque his irascebamur, hos requirebamus, his nonnulli etiam minabamur. Conserva igitur tuis suos ut, quemadmodum cetera quae dicta sunt a te, sic hoc verissimum reperiatur. XII. Quod si penitus perspicere posses concordiam Ligariorum, omnes fratres tecum judicares fuisse. An potest quisquam dubitare quin, si Q. Ligarius in Italia esse potuisset, in eadem sententia fuisset futurus, in qua fratres fuerunt? Quis est qui horum consensum conspirantem et paene conflatum in hac prope aequalitate fraterna non noverit? qui hoc non sentiat, quidvis prius futurum fuisse quam ut hi fratres diversas sententias fortunasque sequerentur? Voluntate igitur omnes tecum fuerunt; tempestate abreptus est unus, qui si consilio id fecisset, esset eorum similis, quos tu tamen salvos esse voluisti. Sed ierit ad bellum, dissenserit non a te solum, verum etiam a fratribus. Hi te orant tui. Equidem quum tuis omnibus negotiis interessem, memoria teneo qualis T. Ligarius quaestor urbanus fuerit erga te et dignitatem tuam.

splendorem] 'Splendor' was a word appropriated to the 'equestris ordo' (Abrami).

Corfidium] 'Cornifidium' C. Some of the old commentators read 'Cornificium.' Abrami refers to a letter of Cicero (Ad Att. xiii. 43) which shows that Corfidius was dead when this speech was delivered, but we might conclude from the word 'hunc' that he was present. It was a curious blunder: "Brutus mihi T. Ligarii verbis nuntiavit quod appelletur L. Corfidius in oratione Ligariana erratum esse meum; sed ut aiunt μνημονικὸν ἁμάρτημα. Sciebam Corfidium pernecessarium Ligariorum, sed eum video ante esse mortuum. Da igitur quaeso negotium Pharnaci, Antaeo, Salvio, ut id nomen ex omnibus libris tollatur." Pharnaces and the rest were 'librarii' of Atticus, who had others also whom Cicero mentions. They copied manuscripts for Atticus, and he made money by the business. We may perhaps owe a good deal to him for multiplying copies and giving Cicero's works, and particularly his letters, a better chance of preservation. (Nepos, Life of Atticus, c. 13.) The cunning fellow has taken care that we have no letters of his own. This Corfidius may be the man who was supposed to be dead, and all the arrangements had been made for his funeral, but the noise of the people who were making the usual lamentations roused him to life, and he buried his younger brother who had given the orders for the funeral (Pliny, N. H. vii. c. 52).

veste mutata] See Index, Vol. iv. Halm explains 'qui tecum fuerunt' to mean 'who had not joined Pompeius;' for if they had been on Caesar's side, Cicero would have magnified this merit in very different terms.

requirebamus] We looked for them and did not find them. There is a reading 'minabantur.'

12. *fuisset futurus*] G. E.; 'futurus fuerit,' the reading of many printed books, and of Baiter.—'non noverit?' 'noverit, qui hoc non sentiat,' Baiter, following Theod. Hansing, and not the MSS.

Sed ierit . . . dissenserit] 'But suppose that he did go to Africa to fight against you,' that he did belong to the opposite party. 'Dissenserit' seems a better reading than 'discesserit,' the other reading.

quaestor urbanus] Cicero helps us to fix the time of Ligarius' quaestorship by dexterously reminding Caesar that he was active in all his interests. The time then may be, as Fabritius suggests, B.C. 56, when Caesar got money from the 'aerarium' for his Gallic campaign (De Prov. Cons.). The 'quaestores urbani' had the care of the 'aerarium,' and kept the ac-

Sed parum est me hoc meminisse; spero etiam te, qui oblivisci nihil soles nisi injurias, quoniam hoc est animi, quoniam etiam ingenii tui, te aliquid de hujus illo quaestorio officio [cogitantem] etiam de aliis quibusdam quaestoribus reminiscentem recordari. Hic igitur T. Ligarius, qui tum nihil egit aliud, neque enim haec divinabat, nisi ut eum tui studiosum et bonum virum judicares, nunc a te supplex fratris salutem petit. Quam hujus admonitus officio quum utrisque his dederis, tres fratres optimos et integerrimos non solum sibi ipsos neque his tot [ac] talibus viris neque nobis necessariis tuis, sed etiam rei publicae condonaveris. Fac igitur, quod de homine nobilissimo et clarissimo [M. Marcello] fecisti nuper in curia, nunc idem in foro de optimis et huic omni frequentiae probatissimis fratribus. Ut concessisti illum senatui, sic da hunc populo, cujus voluntatem carissimam semper habuisti; et si ille dies tibi gloriosissimus, [et] populo Romano gratissimus fuit, noli, obsecro, dubitare, C. Caesar, similem illi gloriae laudem quam saepissime quaerere. Nihil est [enim] tam populare quam bonitas, nulla de virtutibus tuis plurimis nec admirabilior nec gratior misericordia est. Homines enim ad deos nulla re propius accedunt quam salutem hominibus dando. Nihil habet nec fortuna tua majus quam ut

counts of what came in and went out. Ligarius we must suppose served Caesar on this occasion as well as he could.

animi . . . ingenii] 'your disposition, and your judgment.' 'Ingenium' is 'sapientia.'—'oblivisci . . . nisi injurias:' Quintilian (vi. 3. 108) has "qui nihil soles oblivisci nisi injurias." This was true, though it was flattery. Caesar was forgiving towards the Romans, Cicero among the rest; and he lost his life for it. Cicero forgot no wrong, not even an imaginary wrong or a slight. These and many other passages are his moral condemnation, for he fawned on and flattered the man in whose murder he rejoiced. The evidence against Cicero is his own confession, and his friend Atticus has helped to preserve it.

[*cogitantem*]] This word should perhaps be omitted, and Halm and Baiter have omitted it. The 'other quaestors' have been supposed to be those who resisted Caesar, as for instance in B.C. 49, when he broke open the 'sanctius aerarium.' Halm thinks that Cicero means to say that Caesar had not forgotten to reward the services of other quaestors. Dion Cassius (43, c. 47) says that Caesar in B.C. 45 named fourteen praetors and forty quaestors, because he had promised much to many, and having no other way of rewarding them, he chose this. But this is not the true explanation. Cicero is speaking of men who did something when they were quaestors, and something which Caesar did not like; whatever it was.

eum tui] 'eum tuis' C., 'tu eum' G. "Ex Cratandri libro legendum censeo 'nisi ut eum tui studiosum'" (Fabritius). Various editors have seen that 'tu' was wrong. Baiter has 'tui eum.'

utrisque his] The two brothers on one side, and Q. Ligarius on the other, for whom they are entreating.

necessariis tuis] For 'tuis' some editions have 'suis.' Madvig proposes to omit 'tuis,' as some MSS. do. But Halm remarks that if the 'necessarii' of Ligarius are meant, the word 'ejus' is wanting; and he sees no reason why Cicero should not take the liberty of calling himself one of the 'necessarii' of Caesar.

[*M. Marcello*]] These words are omitted in some MSS., and it would be better taste to omit the name. This is the consul of B.C. 51. See the speech Pro Marcello.

salutem hominibus] 'Salus' is a word that we find a difficulty in rendering by a single term. We must look to the ad-

possis, nec natura [tua] melius quam ut velis servare quam plurimos. Longiorem orationem caussa forsitan postulat, tua certe natura breviorem. Quare quum utilius esse arbitrer te ipsum quam me aut quemquam loqui tecum, finem jam faciam: tantum te admonebo, si illi absenti salutem dederis, praesentibus his omnibus [te] daturum.

jective 'salvus.' He means by 'helping men,' 'doing them good.' The critics quote a similar expression from Strabo (lib. x. p. 467) and other writers.

Nihil habet . . . plurimos] Quintilian (viii. 5. 7), who has "Nihil habet, Caesar, nec," &c.

forsitan postulat] Halm in his edition has altered this to 'fortasse postulabat.' He says that there is no sure passage in Cicero which shows that 'forsitan' can be used with the indicative; and he says that 'postulat' might do at the beginning of a speech, but never at the end. Baiter remarks (1856) that Halm suspects that we should read 'forsitan postulavit' or 'fortasse postulat,' and so he seems to have changed his mind about 'postulat.'

[*te*] *daturum*] Baiter omits 'te.'

PRO REGE DEIOTARO

ORATIO.

INTRODUCTION.

STRABO (p. 187) informs us that the Galli who settled in Asia were composed of some of the tribes from the south of Gallia mingled with other Galli. In the south-west of Gallia there was a powerful tribe named Galli Tectosages; and the Galatae, or Gallo-Graeci, as they were sometimes called, about Ancyra in Asia, were named Tectosages. There were two other Gallic tribes in Galatia, named respectively Trocmi and Tolistobogii, but the geographer cannot say from what parts of Gallia they came, and he knew of no Gallic tribes with these names in his own time within the limits of Gallia or in the Alpine regions.

The Galli, at a very early period, were in North Italy, and they also extended their emigrations into the valley of the Danube and to the eastern side of the Hadriatic. About B.C. 279, under Brennus, these terrible marauders found their way into the centre of Greece, and attempted to plunder Delphi. The pillage of sacred places has continued to be a Gallic fashion to the present day. Some of Brennus' comrades, separating from him, made their way towards Byzantium, and got possession of the Thracian Chersonese. A commander of one body, named Lutarius, seized some boats and took his men over the Hellespont; and the first Nicomedes, king of Bithynia, carried over the Bosporus from Byzantium another body of Galli, under Leonorius, to help him against his brother Ziboetes. Thus the Galli got a footing in Asia, and never left it. They inflicted on the people the most horrible sufferings in their marauding expeditions, but finally they settled between the Halys and the Sangarius, in a tract which received from them the name of Galatia. These Galli fought on the side of Antiochus the Great in the battle of Magnesia ad Sipylum (B.C. 190, Livy 37, c. 40), where the Syrian king was defeated by L. Scipio. In B.C. 189 the consul Cn.

Manlius invaded Galatia, and after severely chastising the Galli, compelled these turbulent men to agree to keep within their own territory.

The Galli in Galatia mingled with the Greeks, at least their chiefs did, and the fact of the intermixture of the two races appears both from the name Gallograeci, which the Romans often gave to them, and from other evidence. Each of the three tribes had its territory; each tribe was divided into four divisions, named tetrarchiae; and each tetrarchia had its chief or tetrarches. The council of the twelve tetrarchae, which was a body of three hundred men, used to meet at Drynaemetum, a place which probably contains the elements of Gallic names (Strabo, p. 567). Strabo says this was the old arrangement, but in his time the power came into the hands of three chiefs, then two, and then one, who was named Deiotarus, and he was succeeded by Amyntas; "but the Romans now have both this (Galatia) and all the country which was under Amyntas, having formed it into one province (ἐπαρχία)."

Deiotarus aided the Romans in their wars in Asia against Mithridates (Phil. xi. c. 13); and when Cn. Pompeius was settling the affairs of Asia after the death of Mithridates, he confirmed Deiotarus and the other tetrarchs in their dominions, and he gave Deiotarus a considerable tract of country east of the Halys. The hereditary tetrarchy of Deiotarus was the Tolistobogii, or Tolistoboii (Strabo, p. 547). Pompeius' arrangements in Asia were confirmed in Caesar's consulship (B.C. 59), and through Caesar's influence; and this was a service done to the Galatian tetrarch which Caesar afterwards reminded him of (De Bell. Alex. c. 68). Deiotarus afterwards received from the Roman senate the title of King of Armenia Minor; but not content with what he had, he made himself tetrarch of nearly all Gallograecia, and contrary to the rights of other tetrarchs. When Cicero was proconsul of Cilicia (B.C. 51), Deiotarus prepared to support him with all his forces, when Cicero was expecting an incursion of the Parthians (Ad Att. vi. 1; Ad Div. xv. 4); and Cicero's son and nephew, whom he had taken with him to Asia, were entrusted to the king's care, or to his son's (Ad Att. v. 17, 18; and c. 10 of this oration). In the contest between Caesar and Pompeius Deiotarus joined Pompeius, and was with him at the battle of Pharsalus. He and Pompeius escaped in the same vessel from the mouth of the Peneius.

Deiotarus returning to his country found Cn. Domitius Calvinus in possession of Asia and the adjoining provinces with a commission from Caesar, who was then in Egypt. He prevailed on Calvinus to go against Mithridates' son Pharnaces, who was ravaging Deiotarus' kingdom of Armenia Minor, and Cappadocia, the kingdom of Ariobarzanes. Calvinus was helped by Deiotarus with two legions, which the tetrarch had for some years trained and armed after Roman fashion (De Bello Afric.

c. 34). Calvinus was defeated by Pharnaces near Nicopolis, and a great part of Deiotarus' men were killed. But the master of the art of war, having got out of his dangerous position in Egypt, was approaching through Syria and Cappadocia. Deiotarus met Caesar on the borders of Galatia in the dress and fashion of a suppliant. Caesar gave him back his royal attire, and said that he would afterwards settle the disputes among the tetrarchs. Deiotarus joined Caesar with his forces against Pharnaces, and after the defeat of this king at Zela, Caesar marched through Galatia and Bithynia into Asia, where he settled the questions in dispute about all these provinces. He gave to Mithridates of Pergamum, for his services in the Alexandrine war, Pharnaces' kingdom of Bosporus and the tetrarchy of the Trocmi, which he took from Deiotarus. Caesar also took from Deiotarus, and gave to Ariobarzanes of Cappadocia the Less Armenia, or part of it (Dion 41, c. 63).

At the close of B.C. 45, after Caesar's return from Spain, Castor, the son of Deiotarus' daughter, accused his grandfather of having designed to assassinate Caesar, when he was Deiotarus' guest in Galatia, after the defeat of Pharnaces in Pontus. The Schol. Gronov., who has written an inaccurate argument to this speech, says that Deiotarus was intriguing to get back part of his kingdom (quomodo perveniret ad partem regni), and that upon this his son-in-law sent persons to Rome to accuse Deiotarus of having plotted against Caesar's life. Halm thinks that the Scholiast's statement is improbable, and that this alone would not account for such a proceeding. I do not see the improbability of it. Brutus had already spoken in behalf of Deiotarus before Caesar at Nicaea, in Bithynia (B.C. 47. Cicero, Brutus, c. 5; Ad Att. xiv. 1). Caesar, as already observed, left Galatia before making any decision about the disputes among the tetrarchs, and Brutus probably spoke at Nicaea in behalf of Deiotarus' tetrarchy of the Trocmi and his kingdom of Armenia. The king would no doubt wish to recover what he had lost, and for this purpose would continue to prosecute his claims with Caesar. How these claims interfered with the interests of his son-in-law or grandson, we do not know. However this may be, Deiotarus and his family were not on good terms, and the quarrel was about power and property.

We are informed that Deiotarus turned Brogitarus, another son-in-law, out of possession of the priesthood of Pessinus, which he had got from P. Clodius (De Harusp. Resp. c. 13, Vol. iii.); but this took place before Caesar was in Galatia. The king is also said to have put to death the rest of his sons in order to secure his possessions to one of them. He also is said to have put to death his own son-in-law, and his daughter; but the time is not ascertained. If Tarcondarius Castor, who sent aid to Pompeius, and sent his own son also, before the battle of Pharsalus,

is Deiotarus' son-in-law (Caesar, B. C. iii. 4), Deiotarus put him to death after the battle of Pharsalus, but whether this happened before Caesar came to Galatia, or after, we do not know[1]. In a passage of Suidas (s. v. Κάστωρ) we are told that Deiotarus put his son-in-law Castor to death because he had accused him before Caesar, and Halm accepts this statement, which may be true or false.

The king sent several of his friends to Rome to defend him before Caesar, and among them his slave and physician Phidippus, whom we may assume to have been a Greek. But Castor gained over Phidippus, who gave evidence against the king. The case was heard before Caesar in his house in the month of November (B.C. 45), in the presence of some of his friends. The charge of a design to assassinate Caesar seems very improbable, and Cicero has briefly answered that. But Deiotarus was also charged generally with being hostile to Caesar, and with looking out for his opportunity during the African war, when his accusers declared that he sent aid to Syria to Caecilius Bassus, who was in arms there against Caesar (c. 8, 9, &c.). This part of the accusation is imperfectly answered, and probably it was true. Cicero sent a copy of this speech to his son-in-law Dolabella (Ad Div. ix. 12). He speaks of the case of Deiotarus as of no great importance and not worth the labour of a carefully-written oration. He describes it as a piece of coarse homespun work, like the presents of Deiotarus. Perhaps he sent a copy to the pious old Gallogreek too, for this king was a careful observer of religious forms (Cic. De Divin. ii. 8), and yet a cruel tyrant, if we may believe all that is said of him.

Caesar made no decision. After his death the ambassadors of Deiotarus, who must have remained at Rome, if Cicero's story is true, agreed to give to Antonius ten millions of sesterces, on which Antonius fixed up in the Capitol a notice that according to Caesar's decree Deiotarus should recover all that had been taken from him; but Deiotarus on hearing of Caesar's death had helped himself, and taken possession of all that he had been deprived of (Cic. Phil. ii. c. 37). He was now a very old man. His son Deiotarus had received the title of king, a usual kind of Roman compliment, at the time when Cicero was governor of Cilicia (B.C. 51), and the father and the son are both named kings by Cicero (Phil. xi. c. 12).

[1] Halm assumes that when Strabo (p. 568) says *Γορβεοῦς τὸ τοῦ Κάστορος βασίλειον τοῦ Σαωκονδαρίου*, he means that Deiotarus' son-in-law was named Castor Saocondarius, as he infers from the passage in Caesar, and as Oudendorp and Muretus had already supposed. If this is so, Castor, the grandson of Deiotarus, and his accuser, was the son of Castor called also Tarcundarius, or some such name. Suidas' testimony is not worth much, for he calls Deiotarus a senator, and confounds Deiotarus' son-in-law Castor with the rhetorician and historian Castor, as Clinton also does (Fasti, iii. 546), as Halm remarks.

This oration is edited by Halm in Orelli's Cicero. The following are the abbreviations of the MSS. to which he refers:—

B = codex quondam Gemblacensis, nunc Bruxellensis num. 5345 a Baitero collatus.

D = codex Gudianus num. 2 nunc in bibliotheca Wolfenbuttelana.

E = codex Erfurtensis a Wundero et Freundio collatus.

F = codex Fuldensis saec. xv. ab Ernesto Dronke collatus.

G = codex Gudianus num. 335 saec. x. nunc in bibliotheca Wolfenbuttelana. Hunc et Gudianum secundum A. Fleckeisenus iterum excussit.

R = codex Oehlerianus, nunc Gissensis, saec. xiiii.

S = codex Salisburgensis aulicus n. 34, nunc Monacensis Latinus num. 15734. Hunc et Oehleriani lectiones ipse exscripsi.

C = B D E S, ad quam familiam etiam pertinet Parisinus xi. (num. 1778) quo usus est Steinmetzius.

mei = B D E F G R S.

Col = Coloniensis Graevii, a quo diversus videtur fuisse Coloniensis Gulielmi, cujus schedis Gruterus usus est.

Praeter haec subsidia ad manum habuimus commentarium ineditum, quem Garatoni fere perfectum in schedis suis reliquit. Lectiones codicum Monacensium et Helmstadtiensis insunt in editione Aug. Ferd. Soldani (Hanoviae, 1836, 8).

There is also an edition of this oration by Halm 1853, with a Preface, which I have used (Cicero's Ausgewählte Reden, Zweite Aufl.).

M. TULLII CICERONIS

PRO

REGE DEIOTARO ORATIO

APUD CAIUM CAESAREM.

I. Quum in omnibus caussis gravioribus, C. Caesar, initio dicendi commoveri soleam vehementius quam videtur vel usus vel aetas mea postulare, tum in hac caussa ita me multa perturbant ut, quantum mea fides studii mihi afferat ad salutem regis Deiotari defendendam, tantum facultatis timor detrahat. Primum dico pro capite fortunisque regis, quod ipsum, etsi non iniquum est in tuo dumtaxat periculo, tamen est ita inusitatum regem reum capitis esse, ut ante hoc tempus non sit auditum. Deinde eum regem, quem ornare antea cuncto cum senatu solebam pro perpetuis ejus in nostram rem publicam meritis, nunc contra atrocissimum crimen cogor defendere. Accedit ut accusatorum alterius crudelitate, alterius indignitate conturber. Crudelem Castorem, ne dicam sceleratum et impium, qui nepos avum in capitis discrimen adduxerit, adolescentiaeque suae terrorem intulerit ei cujus senectutem tueri et tegere debebat, commendationemque ineuntis aetatis ab impietate et scelere duxerit; avi servum corruptum praemiis ad accusandum dominum impulerit, [et] a legatorum pedibus abduxerit.

1. *initio . . . commoveri*] Abrami compares a passage in the Pro Cluentio, c. 18 (see the note, and Quintilian xi. 3, "Etiam quum ad judicem," &c.). Cicero was now in his sixty-second year.—'in tuo dumtaxat periculo:' he means that there is nothing unreasonable in a king being put on his defence in a matter which relates to Caesar's life.

Crudelem Castorem] 'Crudelis Castor,' B. E. Schol. The accusative is an exclamation, as Halm. remarks; and it must be connected with 'qui adduxerit,' &c. 'Crudelis,' as Halm. observes, expresses Castor's moral brutality and want of feeling.—'a legatorum pedibus:' being a slave he is represented as at the feet of the ambassadors (Manutius).—'os:' his face, that is, his impudence.—'de fortunis communibus:' the danger to every man, if slaves should dare to accuse their masters.—'ne tormentis quidem:' see Pro Milone, c. 21 and 22.—'eculeo:' see the Index.

Fugitivi autem dominum accusantis, et dominum absentem et dominum amicissimum nostrae rei publicae, quum os videbam, quum verba audiebam, non tam afflictam regiam conditionem dolebam quam de fortunis communibus extimescebam. Nam quum more majorum de servo in dominum ne tormentis quidem quaeri liceat, in qua quaestione dolor veram vocem elicere possit etiam ab invito, exortus est servus, qui, quem in eculeo appellare non posset, eum accuset solutus.

II. Perturbat me, C. Caesar, etiam illud interdum, quod tamen, quum te penitus recognovi, timere desino: re enim iniquum est, sed tua sapientia fit aequissimum. Nam dicere apud eum de facinore, contra cujus vitam consilium facinoris inisse arguare, si per se ipsum consideres, grave est; nemo enim fere est qui sui periculi judex non sibi se aequiorem quam reo praebeat: sed tua, Caesar, praestans singularisque natura hunc mihi metum minuit. Non enim tam timeo quid tu de rege Deiotaro, quam intelligo quid de te ceteros velis judicare. Moveor etiam loci ipsius insolentia, quod tantam caussam, quanta nulla umquam in disceptatione versata est, dico intra domesticos parietes, dico extra conventum et eam frequentiam in qua oratorum studia niti solent; in tuis oculis, in tuo ore vultuque acquiesco; te unum intueor; ad te unum omnis mea spectat oratio: quae mihi ad spem obtinendae veritatis gravissima sunt, ad motum animi et ad omnem impetum dicendi contentionemque leviora. Hanc enim, C. Caesar, caussam si in foro dicerem, eodem audiente et disceptante te, quantam mihi alacritatem populi Romani concursus afferret. Quis enim civis ei regi non faveret, cujus omnem aetatem in populi Romani bellis consumptam esse meminisset? Spectarem curiam, intuerer forum, caelum denique testarer ipsum. Sic, quum et deorum immortalium et populi Romani et senatus beneficia in regem Deiotarum recordarer, nullo modo mihi deesse posset oratio. Quae quoniam angustiora parietes faciunt, actioque caussae maxime debilitatur loco, tuum est, Caesar, qui pro multis saepe dixisti, quid nunc mihi animi sit ad te ipsum

2. *illud interdum*] 'Illud' refers to 'Nam dicere,' &c.—'quum te penitus recognovi:' 'when I reflect on your character.' —'si per se:' 'quum per se,' C. F. Halm.—'loci ipsius insolentia:' the case was heard in Caesar's house (intra domesticos parietes), contrary to Roman fashion, for open courts and open trials were a principle of their jurisprudence; but under the imperial system and in its later days cases were heard privately. Halm refers to Tacitus, Dialogus de Or. c. 39, "oratori autem clamore plausuque opus est et velut quodam theatro," &c.

disceptante] See Vol. i. Index.—'pro multis saepe:' see Pro Ligario, c. 10.—'ad te ipsum referre:' 'to judge by yourself,' as we might say. He must refer to himself to know what Cicero's feelings are. He says (Phil. ii. c. 6) "ecquid ad eum unquam de re publica rettulisti?" in a like sense.

referre, quo facilius quum aequitas tua, tum audiendi diligentia minuat hanc perturbationem meam.

Sed antequam de accusatione ipsa dico, de accusatorum spe pauca dicam, qui quum videantur neque ingenio neque usu atque exercitatione rerum valere, tamen ad hanc caussam non sine aliqua spe et cogitatione venerunt. III. Iratum te regi Deiotaro fuisse non erant nescii; affectum illum quibusdam incommodis et detrimentis propter offensionem animi tui meminerant: teque quum huic iratum, tum sibi amicum esse cognoverant: quumque apud ipsum te de tuo periculo dicerent, fore putabant ut in exulcerato animo facile fictum crimen insideret. Quamobrem hoc nos primum metu, Caesar, per fidem et constantiam et clementiam tuam libera, ne residere in te ullam partem iracundiae suspicemur. Per dexteram te istam oro, quam regi Deiotaro hospes hospiti porrexisti, istam, inquam, dexteram, non tam in bellis neque in praeliis quam in promissis et fide firmiorem. Tu illius domum inire, tu vetus hospitium renovare voluisti; te ejus dii penates acceperunt; te amicum et placatum Deiotari regis arae focique viderunt. Quum facile orari, Caesar, tum semel exorari soles. Nemo umquam te placavit inimicus qui ullas resedisse in te simultatis reliquias senserit. Quamquam cui sunt inauditae cum Deiotaro querelae tuae? Numquam tu illum accusavisti ut hostem, sed ut amicum officio parum functum, quod propensior in Cn. Pompeii amicitiam fuisset quam in tuam; cui tamen ipsi rei veniam te daturum fuisse dice-

3. *affectum*] 'afflictum' C. Col. But, as Graevius remarks, Cicero uses milder terms to avoid giving offence to Caesar. See the Introduction.—'teque quum . . . cognoverant:' Halm encloses these words thus [ ], on the suggestion of Madvig (Op. Acad. i. 148). The objections to these words are that Cicero having said that Caesar was irritated against the king (iratum fuisse), would not say that he was irritated now, for this would be inconsistent with the whole tenor of his speech; and Cicero could not speak of Caesar as an 'amicus' to the prosecutors. But Manutius answers this by supposing that Castor only is meant. Again, it is objected that we are offended with the use of 'huic,' for Deiotarus was not present. But that is no great objection. And lastly, it is said, we are offended with the use of 'que' in the third member, which word 'que' is only used by Cicero for the purpose of joining a last member to what precedes. Halm suggested (1853) that Cicero may have written 'te sibi . . . cognoverant,' and that only the rest may be an interpolation.

non tam . . . firmiorem] This is the MSS. reading and Priscian's (i. 114, ed. Krehl), and the reading of the MSS. The critics have recommended various changes. Some would omit 'tam.' This is not a common form of expression, but a reader, I think, might not discover that there is any thing amiss: 'That right hand of yours, not so much in war and battle as in promises and good faith more secure.' A passage of Livy (28, c. 39) something like it is quoted: "vectigal ex agro eorum capimus, quod nobis non tam fructu jucundius est quam ultione."

facile orari] 'facile exorari,' G. R. As for the sense it matters little which word we have, but 'orari' seems better: 'It is your way to be easily accessible to a man's petition, and when you grant it the matter is ended;' which the words 'Nemo . . . placavit,' &c. explain.

bas, si tantum auxilia Pompeio, vel si etiam filium misisset, ipse aetatis excusatione usus esset. Ita quum maximis eum rebus liberares, perparvam amicitiae culpam relinquebas. Itaque non solum in eum non animadvertisti, sed omni metu liberavisti, hospitem agnovisti, regem reliquisti. Neque enim ille odio tui progressus, sed errore communi lapsus est. Is rex, quem senatus hoc nomine saepe honorificentissimis decretis appellavisset, quique illum ordinem ab adolescentia gravissimum sanctissimumque duxisset, iisdem rebus est perturbatus, homo longinquus et alienigena, quibus nos in media re publica nati semperque versati. IV. Quum audiret senatus consentientis auctoritate arma sumpta [esse], consulibus, praetoribus, tribunis plebis, nobis imperatoribus rem publicam defendendam datam,—movebatur animo, et vir huic imperio amicissimus de salute populi Romani extimescebat, in qua etiam suam inclusam [esse] videbat. In summo tamen timore quiescendum [sibi] esse arbitrabatur. Maxime vero perturbatus est, ut audivit consules ex Italia profugisse omnesque consulares, sic enim ei nuntiabatur, cunctum senatum, totam Italiam esse effusam. Talibus enim nuntiis et rumoribus patebat ad Orientem via, nec ulli veri [nuntii] subsequebantur. Nihil ille de conditionibus tuis, nihil de studio concordiae et pacis, nihil de conspiratione audiebat certorum hominum contra dignitatem tuam. Quae quum ita essent, tamen usque eo se tenuit, quoad a Cn. Pompeio ad eum legati litteraeque venerunt. Ignosce, ignosce, Caesar, si ejus viri auctoritati rex Deiotarus cessit, quem nos omnes secuti sumus, in quem quum dii atque

aetatis excusatione] Plutarch (Crassus, c. 17) describes Deiotarus as an old man in B.C. 54, when M. Crassus saw him in Galatia on his road to his province of Syria.—'maximis eum rebus:' 'you acquitted him of the main ground of offence;' his sending aid to Cn. Pompeius.

4. *senatus . . . auctoritate*] Caesar says (B. C. i. 5): "decurritur ad illud extremum atque ultimum SCtum . . . dent operam consules, praetores, tribuni pl. quique pro consulibus sint ad urbem, ne quid res publica detrimenti capiat." Cicero, in a letter to Tiro (xvi. 11), says the same: "Posteaquam senatus consulibus, praetoribus tribunis pl. et nobis qui proconsules sumus negotium dederat ut curaremus ne quid res publica detrimenti caperet," &c. Here in place of 'pro consulibus' he says 'nobis imperatoribus,' for Cicero was 'ad urbem' expecting a triumph for his victories over the mountaineers of the Amanus. The senate had refused to listen to the Intercessio of the tribunes M. Antonius and Q. Cassius (B. C. i. 2 and 5).

consules] C. Claudius Marcellus and L. Cornelius Lentulus.—'omnes consulares:' so he heard, says Cicero, but it was not true. See Phil. ii. c. 22.

nec ulli veri [nuntii]] B. D. E. and Halm omit 'nuntii.' S. has 'nuntii.' 'Nulli veri nuntii' G. R. F. Col. (in E. '*nuntii* superscr.') Halm.

de conditionibus tuis] The terms which Caesar offered to the senate after he had reached Ariminum (Caesar, B. C. i. 9; Cicero, Ad Div. xvi. 12).—'certorum hominum:' the Marcelli, Lentuli, L. Domitius, P. Scipio, and M. Cato.

in quem] 'ad quem,' Halm. The allusion in 'tum tu,' &c., may be to the part that Caesar took in his consulship in confirming what Pompeius had done in Asia after the death of Mithridates (see Introd.), and in giving him his daughter Julia.

homines omnia ornamenta congessissent, tum tu ipse plurima et maxima. Neque enim, si tuae res gestae ceterorum laudibus obscuritatem attulerunt, idcirco Cn. Pompeii memoriam amisimus. Quantum nomen ejus fuerit, quantae opes, quanta in omni genere bellorum gloria, quanti honores populi Romani, quanti senatus, quanti tui, quis ignorat? Tanto ille superiores vicerat gloria, quanto tu omnibus praestitisti. Itaque Cn. Pompeii bella, victorias, triumphos, consulatus admirantes numerabamus; tuos enumerare non possumus. V. Ad eum igitur rex Deiotarus venit hoc misero fatalique bello, quem antea justis hostilibusque bellis adjuverat, quocum erat non hospitio solum, verum etiam familiaritate conjunctus; et venit vel rogatus ut amicus, vel arcessitus ut socius, vel evocatus ut is qui senatui parere didicisset: postremo venit ut ad fugientem, non ut ad insequentem, id est, ad periculi non ad victoriae societatem. Itaque Pharsalico praelio facto a Pompeio discessit: spem infinitam persequi noluit; vel officio, si quid debuerat, vel errori, si quid nescierat, satisfactum esse duxit: domum se contulit, teque Alexandrinum bellum gerente utilitatibus tuis paruit. Ille exercitum Cn. Domitii amplissimi viri suis tectis et copiis sustentavit; ille Ephesum ad eum, quem tu ex tuis fidelissimum et probatissimum omnibus delegisti, pecuniam misit; ille iterum, ille tertio, auctionibus factis pecuniam dedit qua ad bellum uterere; ille corpus suum periculo objecit, tecumque in acie contra

Quantum nomen] Cicero had celebrated the glory of Pompeius in his oration De Imp. Cn. Pompeii (Vol. ii.). Abrami refers to Lucan's comparison (Pharsal. i. 129, &c.) of the two leaders in the Civil War: "Nec coiere pares," &c.

5. *justis hostilibusque*] 'In real wars, those with strangers,' opposed to a war 'inter cives.' A civil war was not a 'justum bellum,' for it was wanting in the proper ceremonial which preceded a war with a foreign enemy. "Justum igitur bellum est quod suscipitur omnibus ex ordine perpetratis quae usus et ritus postularent, bellum igitur justo more inceptum" (Osenbrueggen, De Jure Belli et Pacis Roman. p. 23). Livy (ix. 1) puts in the mouth of Pontius the Sabine these words: "Justum est bellum, Samnites, quibus necessarium, et pia arma quibus nulla nisi in armis relinquitur spes."

vel . . . vel . . . vel] Which you please.—'arcessitus:' C. F. G. R. have 'accersitus,' a false form, which however came into use in place of the true form. 'Evocatus' may mean any person who is summoned by authority; or it may be used here in the technical sense of a man who is summoned to military service and bound to obey the order; as in Caesar, B. G. iii. 20, "multis viris fortibus . . . ex his regionibus nominatim evocatis."

a Pompeio discessit] See the Introd. Abrami conjectures that Deiotarus left Pompeius at Cyprus, when Pompeius was going to Egypt. Perhaps he left him at Mytilene, for Pompeius called there.—'spem infinitam:' a hope that promised no end, no happy result.

Cn. Domitii] See the Introd. and De Bell. Alex. c. 34.—'tectis:' he lodged them, if the reading is right. R. has 'veteris' for 'tectis.' 'Veteris' has no meaning, but it may be a corruption of another word. Manutius understood 'copiis' to mean the troops with which Deiotarus aided Domitius. Halm takes it to mean 'supplies.'—'Ephesum ad eum:' we do not know whom Cicero means.—'Pharnacem:' see the Introd. Pharnaces was Deiotarus' enemy before he was Caesar's.

Pharnacem fuit, tuumque hostem esse duxit suum. Quae quidem a te in eam partem accepta sunt, Caesar, ut eum amplissimo regis honore et nomine affeceris.

Is igitur non modo a te periculo liberatus, sed etiam honore amplissimo ornatus, arguitur domi te suae interficere voluisse; quod tu, nisi eum furiosissimum judicas, suspicari profecto non potes. Ut enim omittam cujus tanti sceleris fuerit in conspectu deorum penatium necare hospitem, cujus tantae importunitatis omnium gentium atque omnis memoriae clarissimum lumen exstinguere, cujus tantae ferocitatis victorem orbis terrarum non extimescere, cujus tam inhumani et ingrati animi, a quo rex appellatus esset, in eo tyrannum inveniri; ut haec omittam, cujus tanti furoris fuit omnes reges, quorum multi erant finitimi, omnes liberos populos, omnes socios, omnes provincias, omnia denique omnium arma contra se unum excitare? Quonam ille modo cum regno, [cum domo,] cum conjuge, cum carissimo filio distractus esset, tanto scelere non modo perfecto, sed etiam cogitato? VI. At, credo, haec homo inconsultus et temerarius non videbat.—Quis consideratior illo, [quis tectior]; quis prudentior? quamquam hoc loco Deiotarum non tam ingenio et prudentia quam fide et religione vitae defendendum puto. Nota tibi est hominis probitas, C. Caesar, noti mores, nota constantia. Cui porro, qui modo populi Romani nomen audivit, Deiotari integritas, gravitas, virtus, fides non audita est? Quod igitur facinus nec in hominem imprudentem caderet propter metum praesentis exitii, nec in facinorosum, nisi esset idem amentissimus, id vos et a viro optimo et ab homine minime stulto cogitatum esse confingitis. At quam non modo non credibiliter, sed ne suspiciose quidem. Quum, inquit, in castellum Luceium venisses et domum regis hospitis tui devertisses, locus erat

[*cum domo*]] These words are omitted in G. R. F. 'Distractus esset' seems to mean 'torn in pieces,' he and all that he had. Cicero mentions only one son (see Introd.), as in Phil. xi. 13.—'non modo sed etiam:' 'if he had even thought of such a crime, to say nothing of his having committed it.'

6. [*quis tectior*]] 'om R. et cod. Car. Steph.' (Halm): 'tectior' is the reading of a few MSS., and 'rectior' of C. F. G. and most of the MSS. 'Rectior' may be admitted; but 'tectior' cannot be accepted, for 'tectus' means 'cunning' and 'hypocritical.' Patricius proposed various readings in place of 'tectior.'

in hominem ... caderet] See the Index, 'cadere;' and Tuscul. Disp. iii. c. 4, "videtur mihi cadere in sapientem aegritudo." The form of expression must be changed in our language: 'Such a crime then as neither a man of any foresight would be capable of committing for fear of immediate ruin, nor' &c.

Luceium] The reading of most of the MSS., and those which have it not, have something very like it. Strabo (p. xii, p. 567) says that Blucium (Βλούκιον) was a royal residence of Deiotarus in the tribe of the Tolistobogii. Groskurd (Transl.) has changed the name in Strabo, and written it 'Lukeion,' because, as he says, there is no doubt about the correctness of the name in Cicero, who uses it twice.

quidam, in quo erant ea composita quibus te rex munerare constituerat. Huc te e balneo priusquam accumberes ducere volebat; erant enim armati qui te interficerent, in eo ipso loco collocati. En crimen, en caussa, cur regem fugitivus, dominum servus accuset. Ego mehercule, C. Caesar, initio, quum est ad me ista caussa delata, Phidippum medicum, servum regium, qui cum legatis missus esset, ab isto adolescente esse corruptum, hac sum suspicione percussus: medicum indicem subornavit; finget videlicet aliquod crimen veneni. Etsi a veritate longe, tamen a consuetudine criminandi non multum res abhorrebat. Quid ait medicus? Nihil de veneno. At id fieri potuit primo occultius in potione [vel], in cibo; deinde etiam impunius fit, quod quum est factum negari potest. Si palam te interemisset, omnium in se gentium non solum odia, sed etiam arma convertisset; si veneno, Jovis illius quidem hospitalis numen numquam celare potuisset, homines fortasse celasset. Quod igitur et conari occultius et efficere cautius potuit, id tibi et medico callido, et servo, ut putabat, fideli non credidit: de armis, de ferro, de insidiis celare te noluit? At quam festive crimen contexitur? Tua te, inquit, eadem quae semper fortuna servavit: negavisti tum te inspicere velle. VII. Quid postea? An Deiotarus rex illo tempore non perfecta re continuo dimisit exercitum? Nullus erat alius insidiandi locus? At eodem te quum caenavisses rediturum dixeras; itaque fecisti. Horam unam aut duas eodem loco armatos, ut collocati fuerant, retinere magnum fuit? Quum in convivio comiter et jucunde fuisses, tum illuc isti, ut dixeras. Quo in

But see c. 7 and the note. It is probable that the same place is meant in both writers, but which is the genuine name we cannot tell.

ista caussa delata] 'when I was first asked to undertake this case,' says Abrami. But Halm observes that 'esse corruptum' depends on these words, and that 'ista' would also be improperly used, if Abrami's explanation were admitted. Accordingly, he says that 'caussam deferre' here means 'einen Umstand hinterbringen,' 'to add some fresh or new circumstance.'

subornavit] See Index, Vol. ii.

illius quidem] 'ille quidem,' Ernesti, Halm. The correction is obvious enough, if it is necessary. But it is not necessary. Cicero could write so, as he did in Phil. xi. c. 13, "privati illius quidem, sed fortis et praeclari viri." Other gods besides Jupiter were 'hospitales,' the guardians of the stranger; but Jupiter was the great 'hospitalis.' The Greeks had their Ζεὺς ξένιος (Aesch. Ag. 61).

At quam festive] 'But how cleverly is the charge put together?' The Greeks said ῥάπτειν δόλους, κακά, and δόλον ὑφαίνειν (Il. vi. 187). The Romans also said 'nectere dolos.'

7. *Deiotarus. . . re*] 'Deiotarus, re illo . . perfecta, continuo,' B. Halm. Cicero says 'exercitum,' as if the king had an army ready to attack Caesar. Afterwards he says 'signa aenea.'—'jucunde fuisses:' Halm refers to a letter of Cicero (Ad Att. xiii. 52), in which he speaks of giving Caesar a dinner, "fuit enim perjucunde;" and in the same letter he says, "delectatus est et libenter fuit." Horace says (Sat. i. 5, v. 70):

> "Prorsus jucunde coenam produximus illam."

illuc isti] 'Isti' is 'ivisti,' the reading of F. and some other MSS. G. has 'festui.' Graevius says that Col. has 'fuisti.'

loco Deiotarum talem erga te cognovisti, qualis rex Attalus in P. Africanum fuit, cui magnificentissima dona, ut scriptum legimus, usque ad Numantiam misit ex Asia, quae Africanus inspectante exercitu accepit. Quod quum praesens Deiotarus regio et animo et more fecisset, tu in cubiculum discessisti. Obsecro, Caesar, repete illius temporis memoriam: pone illum ante oculos diem: vultus hominum te intuentium atque admirantium recordare. Num quae trepidatio? num qui tumultus? num quid nisi moderate, nisi quiete, nisi ex hominis gravissimi et sanctissimi disciplina? Quid igitur caussae excogitari potest cur te lautum voluerit, caenatum noluerit occidere? In posterum, inquit, diem distulit, ut, quum in castellum Luceium ventum esset, ibi cogitata perficeret. Non video caussam loci mutandi; sed tamen acta res criminose est. Quum, inquit, vomere post caenam te velle dixisses, in balneum te ducere coeperunt; ibi enim erant insidiae. At te eadem tua fortuna servavit; in cubiculum te ire malle dixisti. Dii te perduint, fugitive! ita non modo nequam et improbus, sed etiam fatuus et amens es. Quid, ille signa aenea in insidiis posuerat, quae e balneo in cubiculum transferri non possent?—Habes crimina insidiarum. Nihil enim dixit amplius. Horum, inquit, eram conscius. Quid tum? Ita ille demens erat ut eum quem conscium

Attalus] Livy (Ep. 57) says that it was Antiochus Sidetes. It may be a μνημονικὸν ἁμάρτημα, such as Cicero often committed (Pro Ligario, c. 11, note).

lautum] There is also 'lotum.' Both of them are shorter forms of 'lavatum,' that is 'lauatum.' The bath came before the dinner, as in the heroic ages, and then the oiling.

in castellum Luceium] He has spoken of Luceium before, and he now speaks of a different place. There is therefore some error here or in c. 6. H. Sauppe conjectures that we should read 'Peium,' because Strabo (p. 567) speaks of Bluceium and Peium, one as the royal residence and the other as the treasury of Deiotarus.

sed tamen acta] 'I see no reason,' says Cicero, 'for a change of place,' no reason for attempting the assassination in another place; 'but still the facts furnish matter for a criminal charge.' He is speaking ironically, as Halm observes.

vomere post caenam] To get rid of his dinner. Perhaps the king's cooking was not good. Cicero, in the letter just referred to (xiii. 52), speaks of this practice of Caesar again on the occasion of Cicero giving him a dinner. On that day Caesar was busy with his affairs in private till the seventh hour. It was winter time. Then he walked on the sea-shore. "Post horam viii in balneum: tum audivit de Mamurra: vultum non mutavit: unctus est; accubuit; ἐμετικὴν agebat. Itaque et edit et bibit ἀδεῶς et jucunde; opipare sane et apparate: nec id solum, sed 'bene cocto Condito sermone bono et si quaeri' libenter.'" There was no serious talk, no talk about public matters: "φιλόλογα multa." The great general was fond of literature. and a learned grammarian. He was neither a great eater nor a drinker (Sueton. Caesar, 53). The critics have differed about the meaning of 'ἐμετικὴν agebat.' The best explanation is this: 'he was under an emetic regimen,' and accordingly he ate and drank freely, intending to take the emetic after dinner.

in cubiculum . . . malle] 'in cubiculo malle,' Halm.—'Dii te perduint:' a common form in the comic writers. See the Index to Terence, ed. Parry. There is also a reading 'perdant' here.—'transferri:' 'transire' G. F. and others. Halm has 'transire,' which, he says, is more sarcastic than the other reading, and represents the improbability of the charge much more effectively in a ridiculous light.

tanti sceleris haberet a se dimitteret? Romam etiam mitteret, ubi et inimicissimum sciret esse nepotem suum, et C. Caesarem cui fecisset insidias? praesertim quum is unus esset qui posset de absente se indicare? Et fratres meos, inquit, quod erant conscii, in vincula conjecit. Quum igitur eos vinciret quos secum habebat, te solutum Romam mittebat, qui eadem scires quae illos scire dicis?

VIII. Reliqua pars accusationis duplex fuit: una, regem semper in speculis fuisse, quum a te animo esset alieno; altera, exercitum eum contra te magnum comparasse. De exercitu dicam breviter, ut cetera. Numquam eas copias rex Deiotarus habuit quibus inferre bellum populo Romano posset, sed quibus fines suos ab excursionibus et latrociniis tueretur et imperatoribus nostris auxilia mitteret. Atque antea quidem majores copias alere poterat; nunc exiguas vix tueri potest.—At misit ad Caecilium nescio quem, sed eos quos misit, quod ire noluerunt, in vincula conjecit.—Non quaero quam verisimile sit aut non habuisse regem quos mitteret, aut eos quos misisset non paruisse, aut qui dicto audientes in tanta re non fuissent, eos vinctos potius quam necatos fuisse. Sed tamen quum ad Caecilium mittebat, utrum caussam

haberet] 'habebat' C. R., but it is the wrong tense here.—'indicare:' P. Victorius. Some MSS. have 'uindicare,' and others 'iudicare.' "Eodem modo scribitur in veteribus libris *judicare* et *indicare*, unde facile ab editoribus haec potuerunt immutari" (Graevius).

8. *in speculis*] He was always on the watch, always spying for an opportunity. See Verr. Act. i. c. 16, and the note.

"Adscensurus eram, nisi quod quum vincula prorae
Solveret, in speculis omnis Abydos erat." (Ovid, Her. xviii. 11.)

ἔστην δὲ σκοπιὴν ἐς παιπαλόεσσαν ἀνελθών. (Od. x. 97.)

majores] He had a larger force when he was preparing to help Cicero against the Parthians, B.C. 51. Cicero (Ad Att. vi. 1. 14) says: "habet autem cohortes quadringenarias nostra armatura triginta;" thirty cohorts of four hundred men each, besides two thousand cavalry.

Caecilium] Q. Caecilius Bassus, a Roman eques, a partizan of Pompeius, who took up arms against Sex. Julius Caesar, whom C. Caesar had set over Syria after the Alexandrine war. Sextus was killed by his own men, and Bassus assumed the government of Syria. Bassus also defeated L. Statius Murcus whom Caesar sent to Syria with three legions; and he maintained himself in Syria until after Caesar's death. Comp. Phil. xi. c. 13, where he is "fortis et praeclarus vir" (Liv. Ep. 114; Dion, 47, c. 26). Appian's story of the origin of the revolt of Bassus does not agree with Dion's. (Appian, B. C. iii. 77, &c.)

aut non habuisse] All the MSS. have 'non,' but Garatoni, Halm, and others erase it. Garatoni says: "Illo tempore Deiotarus copias misisse ad Caecilium dicebatur, quo veri simile non erat eum ob exhaustas regni vires mittere potuisse." Cicero says, 'I shall not inquire what probability there is that Deiotarus either had no soldiers,' &c. There is an antithesis of 'non habuisse' and 'non paruisse.' Cicero does not mean to say that he had no troops, and Caesar knew that he had, for after the defeat of Pharnaces he sent back to Galatia the auxiliary troops of Deiotarus (Bell. Alex. c. 77). The time when he was alleged to have sent help to Bassus was during Caesar's African campaign, when Deiotarus may have hoped and wished that Caesar might perish.

dicto audientes] There is also the reading 'dicto obaedientes' and 'obedientes.'

illam victam esse nesciebat, an Caecilium istum magnum hominem putabat? quem profecto is, qui optime nostros homines novit, vel quia non nosset, vel si nosset, contemneret. Addit etiam illud, equites non optimos misisse. Credo, Caesar, nihil ad tuum equitatum; sed misit ex iis quos habuit electos. Ait nescio quem ex eo numero servum judicatum. Non arbitror; non audivi; sed in eo, etiam si accidisset, culpam regis nullam fuisse arbitrarer.

IX. Alieno autem a te animo fuit quomodo? Speravit, credo, difficiles tibi Alexandriae fore exitus propter regionis naturam et fluminis. At eo tempore ipso pecuniam dedit, exercitum aluit; ei, quem Asiae praefeceras, nulla in re defuit: tibi victori non solum ad hospitium, sed ad periculum etiam atque ad aciem praesto fuit. Secutum est bellum Africanum. Graves de te rumores sparsi, qui etiam furiosum illum Caecilium excitaverunt. Quo tum [erga te] rex animo fuit? qui auctionatus sit, seseque exspoliare maluerit quam tibi pecuniam non subministrare. At eo, inquit, tempore ipso Nicaeam Ephesumque mittebat qui rumores Africanos exciperent, et celeriter ad se referrent. Itaque quum esset ei nuntiatum Domitium naufragio periisse, te in castello circumsederi, de Domitio dixit versum Graecum eadem sententia qua etiam nos habemus Latinum:

Pereant amici, dum inimici una intercidant:

non optimos misisse. Credo] "*misisse. credo* G. F. et alii. *misisse. veteres credo* C. R." (Halm), who says that 'misisse tibi' appears in some old editions, and in one Münich MS. Cicero cannot mean that Deiotarus did not send the best cavalry to Bassus; and 'tibi' seems necessary. The additional charge is that he did not send the best to Caesar when he was going against Pharnaces. Halm says "that 'veteres' is a false reading, for this reason, because 'veteres' applied to soldiers is no blame, but praise." But 'veteres' may mean simply his old soldiers, those that he had. He raised no new horse, but sent the best of his old cavalry.

servum judicatum] Servius, Ad Virg. Aen. ix. 546: "lege militari servi a militia prohibebantur. Unde et in Deiotarana purgat hoc Cicero, cum fuisset objectum inter equites, quos Deiotarus miserat Caesari, unum servum fuisse" (Halm).

9. *fuit quomodo?*] Halm (1856) omits 'fuit.'—Patricius proposed to write the ablative 'Alexandria.' As to the orthography F. Ursini says: "*Alexandrea* est in argenteo M. Lepidi denario, et *Alexandrea*: sed *Alexandria* vidi notatum in denario Hadriani Imp." The difficulties of Caesar at Alexandria are told in the book De Bello Alexandrino. — 'quem Asiae:' Domitius Calvinus. See the Introduction.

sparsi] This word is omitted in B. E. and by Halm. These rumours stirred up Caecilius Bassus in Syria (Dion, 47, c. 26). Caesar was reduced to great difficulties in this African campaign, and he extricated himself with his usual boldness and skill. (Guischardt, Analyse de la Campagne, &c., in his remarks on c. 68 and 69 of the Bellum Africanum.) He finished this difficult campaign in less than six months.

seseque] In place of this F. R. have 'et se et filium suum.' Perhaps these words 'et filium suum' have been derived from a passage which comes afterwards in this chapter.

Domitium] Cn. Domitius Calvinus left Asia to join Caesar in the African war, and there was a false report that he had perished at sea.

Pereant amici] Plut. De Discern. Adul. ab amico, c. 4, ἡμεῖς δὲ, εἰ μηδαμῇ

quod ille, si esset tibi inimicissimus, numquam tamen dixisset; ipse enim mansuetus, versus immanis. Qui autem Domitio poterat esse amicus qui tibi esset inimicus? tibi porro inimicus cur esset, a quo quum vel interfici belli lege potuisset, regem et se et filium suum constitutos esse meminisset? Quid deinde furcifer, quo progreditur? Ait hac laetitia Deiotarum elatum vino se obruisse, in convivioque nudum saltavisse. Quae crux huic fugitivo potest satis supplicii afferre? Deiotarum saltantem quisquam aut ebrium vidit umquam? Omnes in illo sunt rege virtutes, quod te, Caesar, ignorare non arbitror; sed praecipue singularis et admiranda frugalitas: etsi hoc verbo scio laudari regem non solere. Frugi hominem dici non multum habet laudis in rege: fortem, justum, severum, gravem, magnanimum, largum, beneficum, liberalem; hae sunt regiae laudes, illa privata est. Ut volet quisque accipiat: ego tamen frugalitatem, id est modestiam et temperantiam, virtutem maximam judico. Haec in illo est ab ineunte aetate quum a cuncta Asia, quum a magistratibus legatisque nostris, tum ab equitibus Romanis, qui in Asia negotiati sunt, perspecta et cognita. Multis ille quidem gradibus officiorum erga rem publicam nostram ad hoc regium nomen ascendit: sed tamen quidquid a bellis populi Romani vacabat, cum hominibus nostris consuetudines, amicitias, res rationesque jungebat, ut non solum tetrarches

μηδαμῶς ἐπαινοῦμεν τὸ 'Ερρέτω φίλος σὺν ἐχθρῷ. "Versus Tragici incerti, quem in metrica Proverbia retulit A. Schottus, 1283" (Wyttenbach). We here learn that Deiotarus knew Greek. He is said to have had a Greek wife, or a woman with a Greek name. The tetrarchs and nobles learned Greek and spoke it, but the common sort kept their Gallic dialect, as Hieronymus tells us, who having spent some time in the country of the Treviri knew something of the Gallic dialects. St. Paul addressed an epistle in Greek to the Galatians at a time when it is probable that the greater part of the Galatians were too ignorant to read any language. But we may assume that there were many Greeks in Galatia when the Galli settled there, that the two races intermarried, and that the Greek language and Greek civilization were thus established and existed together with the Gallic language and the Gallic religion.

belli lege] The common and proper expression is 'belli jure.'—'furcifer:' a word of reproach. Slaves were punished for smaller offences by wearing round the neck a collar (furca) to which their hands were fastened (Donatus, ad Ter. And. iii. 5. 12).

nudum] He is said to have got drunk first, then to have thrown off his upper dress and to have danced (see In Cat. ii. c. 11, and the note; and Pro Murena, c. 6, and the note, Vol. iii.; In Pis. c. 10, Vol. iv.). Halm observes that the Greeks had hired dancers at their feasts, and that if it happened that any of the company took to joining them or dancing in their style, it was generally the consequence of drunkenness. Likely enough. There is a dancing scene in Xenophon's Symposium, c. 2, in which a Syracusan comes in with a female flute-player and a dancing girl, who could perform wonderful things, and a handsome boy who played well on the lute and danced. After this exhibition Philippus the γελωτοποιός tries his skill in imitating the dancing of the boy and the girl.

frugalitatem] See Index, Vol. i.

res rationesque jungebat] 'he had commercial transactions with our people.' 'Res' is the universal Roman word for every thing. 'Rationes' is a word applied to accounts, money reckonings. Varro (De R. R. i. 1) says that Diophanes sent to king Deiotarus a treatise on agriculture in six books, which was an abridgment of

nobilis, sed optimus paterfamilias et diligentissimus agricola et pecuarius haberetur. Qui igitur adolescens nondum tanta gloria praeditus nihil umquam nisi severissime et gravissime fecerit, is ea existimatione eaque aetate saltavit? X. Imitari, Castor, potius avi mores disciplinamque debebas quam optimo et clarissimo viro fugitivi ore male dicere. Quod si saltatorem avum habuisses neque eum virum unde pudoris pudicitiaeque exempla peterentur, tamen hoc maledictum minime in illam aetatem conveniret. Quibus ille studiis ab ineunte aetate se imbuerat, non saltandi, sed bene ut armis, optime ut equis uteretur, ea tamen illum cuncta jam exacta aetate defecerant. Itaque Deiotarum quum plures in equum sustulissent, quod haerere in eo senex posset, admirari solebamus. Hic vero adolescens, qui meus in Cilicia miles, in Graecia commilito fuit, quum in illo nostro exercitu equitaret cum suis delectis equitibus, quos una cum eo ad Pompeium pater miserat, quos concursus facere solebat, quam se jactare, quam ostentare, quam nemini in illa caussa studio et cupiditate concedere! Quum vero exercitu amisso, ego, qui pacis semper auctor fui, post Pharsalicum [autem] praelium suasor fuissem armorum non deponendorum, sed abjiciendorum, hunc ad meam auctoritatem non potui adducere, quod et ipse ardebat studio illius belli et patri satis faciendum esse arbitrabatur. Felix ista domus quae non impunitatem solum adepta sit, sed accusandi etiam licentiam: calamitosus Deiotarus,

Cassius Dionysius Uticensis' work on agriculture, which itself was a Greek translation of the work of Mago the Carthaginian, with some additions from Greek writers. Halm says, Diophanes reduced Mago's work to six books from the original twenty-eight, but I think that he has mistaken Varro's meaning. The Galatian was a good husband ('paterfamilias:' Pro P. Quintio, c. 3, and the note), a most careful farmer, and a flock-master (pecuarius). He would have a good market in the large towns of Asia, and a good price for his wool. Amyntas, who was set up as a king by M. Antonius (B.C. 39), was the greatest flock-master in Asia. He had above three hundred flocks on the table lands of Lycaonia.

10. *in illam aetatem*] If he had been a dancer, the calumny of Castor could not apply to so old a man as Deiotarus. His dancing days were over, but not his riding days. He could hold on, when he was mounted. Abrami compares Horace, Carm. iii. 24, v. 54:

"—— Nescit equo rudis
Haerere ingenuus puer."

in Cilicia miles] See the Introduction. —'in Graecia:' Cicero was not in Graecia during the Civil War. He was at Dyrrachium with Cn. Pompeius, and there he may have seen Castor and his cavalry. Cicero did not go into Thessaly with Cn. Pompeius, and it is difficult to understand how Cicero could advise Castor after the battle of Pharsalia, as the words seem to mean, though I would not undertake to say what he does exactly mean. Soldanus thinks that 'exercitu amisso' is spurious. Halm places 'post Pharsalicum praelium' in [ ]. There is no difficulty about the words in this sentence. The question is about the fact, and there is no great difficulty in assuming that Cicero did not tell the truth. What he said before Caesar we do not know; but as far as the evidence of the MSS. shows, and we have no other, this is what Cicero wrote. He who was so careless about facts, would not be very careful about them when he was sending copies of his speech to Dolabella, and perhaps to old Deiotarus.

qui et ab eo qui in iisdem castris fuerit, et non modo apud te, sed etiam a suis accusetur. Vos vestra secunda fortuna, Castor, non potestis sine propinquorum calamitate esse contenti?

XI. Sint sane inimicitiae, quae esse non debebant—rex enim Deiotarus vestram familiam abjectam et obscuram e tenebris in lucem evocavit: quis tuum patrem ante quis esset quam cujus gener esset audivit?—sed quamvis ingrate et impie necessitudinis nomen repudiaretis, tamen inimicitias hominum more gerere poteratis, non ficto crimine insectari, non expetere vitam, non capitis arcessere. Esto, concedatur haec quoque acerbitatis et odii magnitudo: adeone ut omnia vitae salutisque communis atque etiam humanitatis jura violentur? Servum sollicitare verbis, spe promissisque corrumpere, abducere domum, contra dominum armare, hoc est non uni propinquo, sed omnibus familiis nefarium bellum indicere. Nam ista corruptela servi si non modo impunita fuerit, sed etiam a tanta auctoritate approbata, nulli parietes nostram salutem, nullae leges, nulla jura custodient. Ubi enim id, quod intus est atque nostrum, impune evolare potest contraque nos pugnare, fit in dominatu servitus, in servitute dominatus. O tempora, o mores! Cn. Domitius ille, quem nos pueri consulem, censorem, pontificem maximum vidimus, quum tribunis plebis M. Scaurum principem civitatis in judicium populi vocavisset, Scaurique servus ad eum clam domum venisset, et crimina in dominum delaturum se esse dixisset,

fuerit . . . accusetur] The reading of C. and also of R., and cod. Helmst., except that these two have 'et non modo,' &c. F. has 'non modo a peregrinis, sed.' Halm writes 'fuerit et a suis accusetur,' 'ex codd. vestigiis' as he says. Halm (ed. 1853) gives three reasons why the reading in the text is not sound; the variations of the best MSS.; the false climax 'apud te' and 'a suis;' and, lastly, he says that Cicero could not possibly in this passage complain of Deiotarus being accused before Caesar.

11. *Sint sane*] Cicero admits that there was disunion in the family of Deiotarus, but he does not tell us the causes of it. The king was probably not faultless, and we know that his son-in-law and grandson were scoundrels.—'ante quis:' 'antea quis' Halm. C. has 'qui.' Halm observes that we must have 'quis esset,' not 'qui esset,' because the question is not about the man's character, but about his person.—'poteratis:' Halm compares the Greek form ἐξῆν; and 'esto' he compares with εἶεν.

capitis arcessere] The expression is elliptical, as a comparison of two other passages shows: "eodem crimine in summum capitis periculum arcessere" (Pro C. Rabirio, c. 9); and De Off. ii. 14: "ne quem unquam innocentem judicio capitis arcessas;" where we should perhaps read 'in judicium.'

a tanta auctoritate] That is 'a Caesare.'

Cn. Domitius ille] In his tribunate, B.C. 104; the same man who in his tribunate proposed a Lex de Sacerdotiis (De Leg. Agr. ii. 7, and the note). M. Aemilius Scaurus was repeatedly named Princeps Senatus by the censors, and so he is called Princeps Civitatis. Abrami refers to Asconius in Scaurianam, who states why Domitius "diem ei dixit apud populum et multam irrogavit—Crimini dabat sacra publica populi Ro. deum Penatium quae Lavinii fierent opera ejus minus recte casteque fieri. Quo crimine absolutus est Scaurus quidem, sed ita ut a tribus tribubus damnaretur, a xxxii absolveretur, et in eis pauca puncta inter damnationem et absolutionem interessent." This was a 'judicium populi.' See Vol. i. Excursus II., 'Judicia.'

prehendi hominem jussit ad Scaurumque deduci. Vide quid intersit, etsi inique Castorem cum Domitio comparo; sed tamen ille inimico servum remisit, tu ab avo abduxisti; ille incorruptum audire noluit, tu corrupisti; ille adjutorem servum contra dominum repudiavit, tu etiam accusatorem adhibuisti.—At semel iste est corruptus a vobis.—Nonne, quum esset productus et quum tecum fuisset, refugit ad legatos? nonne ad hunc Cn. Domitium venit? nonne audiente hoc Ser. Sulpicio, clarissimo viro, qui tum casu apud Domitium caenabat, et hoc T. Torquato, optimo adolescente, se a te corruptum, tuis promissis in fraudem impulsum esse confessus est? XII. Quae est ista tam impotens, tam crudelis, tam immoderata inhumanitas? Idcirco in hanc urbem venisti ut hujus urbis jura et exempla corrumperes domesticaque immanitate nostrae civitatis humanitatem inquinares?

At quam acute collecta crimina! Blesamius, inquit—ejus enim nomine, optimi viri nec tibi ignoti, maledicebat tibi—ad regem, inquit, scribere solebat te in invidia esse, tyrannum existimari, statua inter reges posita animos hominum vehementer offensos, plaudi tibi non solere. Nonne intelligis, Caesar, ex urbanis male-

hominem] Instead of 'eum,' says Halm; a false explanation; but he understands the sense right. See Index, Vol. iii. 'Homo.'

At semel] Patricius says 'quid autem si *an semel?*' But 'At' is right. It is only a way of saying,—'You have corrupted him more than once;' but he puts it in the form of an objection in some person's mouth, 'Well, it may be said, you only corrupted him once.' And he shows that it was more than once, and the conclusion is that such a fellow as Phidippus could not be believed.

hunc Cn. Domitium] Calvinus, whom we must suppose to have been present, and also the learned jurist Ser. Sulpicius (Pro Murena, Introd.); unless Cicero, when he was revising his oration, added a few embellishments of this kind (see Pro Ligario, c. 11, and the note).

12. *impotens*] There is also a reading 'impudens.' 'Impotens' means ungovernable. Halm translates 'jura et exempla' by 'law and practice,' which is well enough. But 'jura' in the plural is not 'jus,' which in one of its senses is Law. 'Jura,' the plural, has not the meaning of 'leges.' Sometimes it means what we call 'rules of law,' many of which rules are not 'leges,' laws or statutes. We have in fact no exact word for 'jura' in this passage.

ejus nomine] 'using his name he was abusing you.' He affirmed that Blesamius had written to the king about you, and told him that Caesar was unpopular; but this this was false, and Castor invented the lie to have an opportunity of saying what he wished to say, and laying it to the account of Blesamius.—'optimi viri:' the reading in the old editions was, and in some modern editions still is, 'optimi hominis.' Lambinus observes that 'optimus homo,' 'bonus homo' are not usual Latin expressions. Halm quotes only one MS. as having 'hominis.'

statua inter reges] Dion (43, c. 45) has a passage about the statues of Caesar. There were, he says, seven statues of the kings in the Capitol, and an eighth of Brutus the Liberator; and Caesar's statue was placed by the side of Brutus'. The statues of kings of Rome without Brutus would hardly have a meaning. These statues were no doubt comparatively modern; perhaps not more recent than the consecration of the restored Capitol. Suetonius (Caesar, c. 76) also speaks of Caesar's statues. There was nothing strange in Caesar having a statue, for it had long been the fashion to set up statues at Rome; but it was the place where Caesar's statue was put which would move men to dissatisfaction.

plaudi] No applause in the theatres

volorum sermunculis haec ab istis esse collecta? Blesamius tyrannum Caesarem scriberet? Multorum enim capita civium viderat; multos jussu Caesaris vexatos, verberatos, necatos; multas afflictas et eversas domos; armatis militibus refertum forum. Quae semper in civili victoria sensimus, ea te victore non vidimus. Solus, inquam, es, C. Caesar, cujus in victoria ceciderit nemo nisi armatus. Et quem nos liberi, in summa [populi Romani] libertate nati, non modo non tyrannum, sed etiam clementissimum in victoria ducem vidimus, is Blesamio, qui vivit in regno, tyrannus videri potest? Nam de statua quis queritur, una praesertim, quum tam multas videat? Valde enim invidendum est ejus statuis, cujus tropaeis non invidimus. Nam si locus affert invidiam, nullus locus est ad statuam quidem rostris clarior. De plausu autem quid respondeam? qui nec desideratus umquam a te est, et nonnumquam obstupefactis hominibus ipsa admiratione compressus est, et fortasse eo praetermissus, quia nihil vulgare te dignum videri potest.

XIII. Nihil a me arbitror praetermissum, sed aliquid ad extremam caussae partem reservatum. Id autem aliquid est, te ut plane Deiotaro reconciliet oratio mea. Non enim jam metuo ne tu illi succenseas; illud vereor ne tibi illum succensere aliquid sus-

and the Circus. See Pro Sestio, c. 54, and the note; and In Pis. c. 27.

tyrannum . . . scriberet?] Of course Blesamius could not have written such a falsehood. But after Caesar's death Cicero wrote it, and the writing remains (Ad Att. xiv. 6).

Cicero says ironically 'Multorum enim,' &c., 'enim' being used here as 'scilicet' is sometimes used. The 'capita,' says Patricius, are heads without bodies; but Cicero means heads fixed on the Rostra and in public places, which Rome had seen once, and saw again shortly after, and Cicero's head among others (De Orat. iii. c. 3; Paterculus, ii. 19; Plutarch, Marius, c. 34, 35, and Sulla, c. 10).

Nam de statua] 'For as to the statue;' he passes lightly over this with a 'Nam' (Pro Archia, c. 10, and the note). He says 'Who complains of a statue when there are so many?' A statue is not so much as a trophy. Then he comes to the real matter: 'Now if it is the place where the statue is fixed that is complained of, there is no place for a statue more conspicuous than the Rostra;' and Caesar's was in the Capitol. Abrami remarks that Cicero eludes rather than answers the objection "per fallaciam, ut loquimur, accidentis;" for the unpopularity arose not from the statue being in a conspicuous place, but because it was 'inter reges;' and Caesar had also two statues on the Rostra (Dion, 44, c. 4).

De plausu] It seems as if Cicero admitted that there was not much applause, that Caesar in fact was looked on as a usurper, or was not popular. The reason that Cicero gives for there being no applause is a piece of the meanest and silliest flattery that ever came from a man, even from him. It is in the style of the adulation paid to James I., whom Bacon places above Caesar and M. Antoninus "in all literature and erudition, divine and human."

But Cicero made amends by what he said of Caesar after his death (Phil. ii. c. 32) and elsewhere.

13. *praetermissum*] 'praeteritum' Halm. —'ad extremum caussae' is the reading of the MSS., as they are quoted, except one. Halm has this reading (ed. 1853), but in the later edition of Orelli he has the reading which is in the text.

Id autem aliquid] 'Id aliquid' is an expression of Terence, and 'is aliquis' occurs in the Pro Ligario, c. 7. Halm writes, contrary to the MSS., 'Id autem quid est? te ut' &c.

picere. Quod abest longissime, mihi crede, Caesar. Quid enim retineat per te meminit, non quid amiserit; neque se a te mulctatum arbitratur, sed, quum existimares multis tibi multa esse tribuenda, quo minus a se, qui in altera parte fuisset, ea sumeres non recusavit. Etenim si Antiochus Magnus ille, rex Asiae, quum, posteaquam a L. Scipione devictus Tauro tenus regnare jussus esset omnemque hanc Asiam, quae est nunc nostra provincia, amisisset, dicere est solitus benigne sibi a populo Romano esse factum, quod nimis magna procuratione liberatus modicis regni terminis uteretur, potest multo facilius se Deiotarus consolari. Ille enim furoris mulctam sustinuerat, hic erroris. Omnia tu Deiotaro, Caesar, tribuisti, quum et ipsi et filio nomen regium concessisti. Hoc nomine retento atque conservato, nullum beneficium populi Romani, nullum judicium de se senatus imminutum putat. Magno animo et erecto est, nec umquam succumbet inimicis, ne fortunae quidem. Multa se arbitratur et peperisse ante factis et habere in animo atque virtute, quae nullo modo possit amittere. Quae enim fortuna, aut quis casus, aut quae tanta possit injuria omnium imperatorum de Deiotaro decreta delere? Ab omnibus enim est ornatus, qui, posteaquam in castris esse potuit per aetatem, in Asia, Cappadocia, Ponto, Cilicia, Syria bella gesserunt; senatus vero judicia de illo tam multa tamque honorifica, quae publicis populi Romani litteris monumentisque consignata sunt, quae umquam vetustas obruet aut

multis ... multa] Like all usurpers Caesar had many claims upon him from those who had helped him; so many claims that he was compelled to pay with other people's property. After all he could not satisfy the greedy sycophants about him, and they killed him. Mithridates of Pergamum was paid for his services with part of Deiotarus' possessions; and the orator would have us believe that the old Gallo-Greek was well content with this; content perhaps to keep something instead of losing all, as he expected.—There is a reading 'existimaret' instead of 'existimares.'

Tauro tenus] Pro Sestio, c. 27, and the note. How consolatory for Deiotarus, if Antiochus said this! And if he said it, which we may doubt, how sincere he was and thankful for being relieved of so much trouble! as thankful as Deiotarus was for Caesar's care in easing him of his possessions.—'Asiam:' see Vol. ii. Excursus, 'Asia.'

sustinuerat] There is also a reading 'subierat,' and Coloniensis Gulielmi has 'sustulerat,' which Halm accepts, referring after Madvig to Cicero, De Nat. Deor. iii. c. 33.

conservato] 'servato,' Halm. — 'populi Romani:' Manutius thought that these words are out of place. Halm says that we must not be surprised at them, though Cicero is speaking of Senatusconsulta, for the senate was 'consilium publicum populi Romani.' — 'docti atque sapientes:' these are philosophers, and their wisdom is 'doctrina' or 'sapientia.' The Peripatetics made virtue the 'summa bona' and the Stoics the 'sola.' Deiotarus night and day thinking of these fine maxims, he the commercial man, the agriculturist, the flock-master, the money-making cunning fellow, who had aggrandized himself in Galatia at the expense of others, and who was now afraid that Caesar would mulct him again,—could the Dictator hear all this and hold his countenance?

quae tanta delebit oblivio? Quid de virtute ejus dicam, de magnitudine animi, gravitate, constantia? quae omnes docti atque sapientes summa, quidam etiam sola bona esse dixerunt, hisque non modo ad bene, sed etiam ad beate vivendum contentam esse virtutem. Haec ille reputans et dies noctesque cogitans non modo tibi non succenset—esset enim non solum ingratus, sed etiam amens—verum omnem tranquillitatem et quietem senectutis acceptam refert clementiae tuae. XIV. Quo quidem animo quum antea fuit, tum non dubito quin tuis litteris, quarum exemplum legi, quas ad eum Tarracone huic Blesamio dedisti, se magis etiam erexerit ab omnique sollicitudine abstraxerit. Jubes enim eum bene sperare et bono esse animo; quod scio te non frustra scribere. Memini enim iisdem fere verbis ad me te scribere meque tuis litteris bene sperare non frustra esse jussum. Laboro equidem regis Deiotari caussa, quocum mihi amicitiam res publica conciliavit, hospitium voluntas utriusque conjunxit, familiaritatem consuetudo attulit, summam vero necessitudinem magna ejus officia in me et in exercitum meum effecerunt: sed quum de illo laboro, tum de multis amplissimis viris, quibus semel ignotum a te esse oportet, nec beneficium tuum in dubium vocari, nec haerere in animis hominum sollicitudinem sempiternam, nec accidere ut quisquam te timere incipiat eorum qui sint semel a te liberati timore. Non debeo, C. Caesar, quod fieri solet in tantis periculis, tentare quonam modo dicendo misericordiam tuam commovere possim. Nihil opus est. Occurrere solet ipsa supplicibus et calamitosis, nullius oratione evocata. Propone tibi duos reges, et id animo contemplare quod oculis non potes. Dabis profecto id misericordiae, quod iracundiae denegasti. Multa sunt monumenta clementiae tuae, sed maxime eorum incolumitates quibus salutem dedisti. Quae si in privatis gloriosa sunt, multo magis commemorabuntur in regibus. Semper regium nomen in hac civitate sanctum fuit; sociorum vero regum et amicorum sanctissimum. XV. Quod nomen hi reges ne amitterent te victore timuerunt,

14. *exemplum*] Cicero's usual word for a copy of a letter. See Index, Vol. i.—'Tarraco:' Tarragona, the chief town of the Provincia Tarraconensis of Hispania. Caesar may have received this letter either before he had finished the Spanish war (B.C. 45), or after. The end of the book De Bello Hispaniensi is defective, and it leaves Caesar at Hispalis.

Memini enim] When Caesar was in Egypt he wrote to Cicero: "Ad me ex Aegypto litteras misit," Pro Ligario, c. 3.

in exercitum] See the Introduction.—'quonam modo:' 'ecquonam modo,' Halm.—'duos reges:' the father and the son. There was no charge against the son, so far as this oration shows, but if the father was punished by losing more, the son would suffer too.

quod iracundiae] "Perdere Deiotarum licet iratus noluisti" (Manutius).

retentum vero et a te confirmatum posteris etiam suis tradituros esse confido. Corpora [vero] sua pro salute regum suorum hi legati tibi regii tradunt, Hieras et Blesamius et Antigonus, tibi nobisque omnibus jam diu noti, eademque fide et virtute praeditus Dorylaus, qui nuper cum Hiera legatus est ad te missus, quum regum amicissimi, tum tibi etiam, ut spero, probati. Exquire de Blesamio, numquid ad regem contra dignitatem tuam scripserit. Hieras quidem caussam omnem suscipit, et criminibus illis pro rege se supponit reum: memoriam tuam implorat qua vales plurimum; negat umquam se a te in Deiotari tetrarchia pedem discessisse: in primis finibus tibi se praesto fuisse dicit, usque ad ultimos prosecutum: quum e balneo exisses, tecum se fuisse, quum illa munera inspexisses caenatus, quum in cubiculo recubuisses; eandemque assiduitatem tibi se praebuisse postridie. Quamobrem si quid eorum, quae objecta sunt, cogitatum sit, non recusat quin id suum facinus judices. Quocirca, C. Caesar, velim existimes hodierno die sententiam tuam aut cum summo dedecore miserrimam pestem importaturam esse regibus aut incolumem famam cum salute; quorum alterum optare illorum crudelitatis est; alterum conservare clementiae tuae.

15. *tradituros . . . confido*] C. F. and E., but E. omits 'esse:' 'tradituros se esse confidunt,' R. and Helmst. and Halm; perhaps the better reading.—'corpora sua:' the Scholiast says "qui offerebant se tormentis," but this is absurd. They offered themselves as hostages, or were ready to be punished, if Caesar should declare Deiotarus guilty.

criminibus illis] The dative, as Halm remarks. It could not be the ablative.—'memoriam tuam:' "oblivisci nihil soles nisi injurias," Pro Ligario, c. 12. Abrami finds these words a good occasion for one of his long notes, in which he refers to a curious anecdote about Caesar's memory (Seneca, De Ben. v. c. 24).

pedem] A foot's length. So they said 'digitum:' "mihi certum est ab honestissima sententia digitum nusquam" (Ad Att. vii. 3, 11).—'praesto fuisse:' 'met you.' See Pro Caecina, c. 30, and the note.

INTRODUCTION

TO

THE PHILIPPICAE.

Cicero's extant orations furnish materials for his own life and the history of his times, and the collection of his letters furnishes much more. In B.C. 75 Cicero was Quaestor in the western division of Sicily; and according to Roman usage, this office qualified a man for admission to the senate. Though Cicero, both by inclination and policy, was favourable to the Optimates or aristocratical party, he did not neglect to cultivate his interest with the people. The trial of Verres (B.C. 70) for maladministration in the government of Sicily was the first occasion on which Cicero appeared as a public prosecutor. In this year he was also a candidate for the curule aedileship, which he obtained. The prosecution of Verres was a favourable opportunity to Cicero for gaining popularity and preparing his way to the higher offices in the state. While he was praetor, in B.C. 66, he attached himself firmly to the aristocratical party, at the head of which was Cn. Pompeius; and on the occasion of the tribune C. Manilius proposing to give Pompeius extraordinary powers for ending the war against Mithridates, Cicero supported the proposal in a speech which is extant (De Imperio Cn. Pompeii, Vol. ii.). This, his first address to the people from the Rostra on political matters, is an extravagant declamation in praise of Pompeius, then the victorious general of Rome and the idol of the Roman people.

Instead of taking the government of a province in the year after his praetorship, which was the usual practice, Cicero stayed at Rome to prepare the way for the attainment of the great object of his ambition, the consulship. Though he had shown his readiness to join the Optimates, the pride of the great families of Rome could not be reconciled to the elevation of a man who came from an Italian municipium, and had no recommendation except his talents and his industry. But in

spite of the efforts of the nobility and of the rival candidates, Cicero was elected consul with C. Antonius for his colleague, B.C. 64.

In the year B.C. 63, the year of his consulship, Cicero showed more steady purpose and resolution than at any other period of his political life. He had a dishonest colleague to manage, who was suspected, and probably with good reason, of being implicated in Catilina's revolutionary designs; and he resisted C. Caesar's intrigues, who was seeking for popularity as the way to power. By bringing about a closer union between the equestrian class, the monied men in the state, and the senate, he strengthened the aristocratical against the democratical party; democratical only in name, for the heads of this party only flattered the people in order to gain their own ends. He successfully opposed the Agraria Lex of the tribune Rullus (De Lege Agraria, i. ii. iii., Vol. ii.), and in this he acted with the Nobiles. But Caesar in his consulship (B.C. 59) effected part of what Rullus proposed, and he did it in spite of Cicero and his party. In Cicero's consulship L. Catilina, with his insolvent friends, made a desperate attempt to seize power, and enrich themselves by a revolution. The consul Cicero detected their designs, and prevailed on the senate to put to death the conspirators whom he had seized (In Catilinam, i. ii. iii. iv., Vol. iii.). This was an irregular proceeding, for the conspirators were only examined before the senate, which was not a court for the trial of criminals. Cicero was the executioner of the senate's judgment, and his enemies soon punished him for this service to the state.

In B.C. 60 C. Caesar was elected consul, and in B.C. 59, the year of his office, the intrigues began which ended in Cicero leaving Rome. Caesar had made advances to Cicero, whose tongue would have been useful to him at home during his Gallic campaign; but his advances were not accepted. If Cicero could not be gained over to Caesar's party, the next thing was to remove him from Rome. Accordingly P. Clodius, who owed Cicero a grudge for having given evidence against him in the affair of the Bona Dea, and for many a biting sarcasm, was adopted into a plebeian family, with the aid of Caesar and Pompeius, in order to qualify Clodius to be elected a Tribunus plebis. Clodius was elected, and entered on his office on the 10th of December, B.C. 59, before Caesar had laid down his consular office. In the next year Clodius made an indirect attack on Cicero by a Rogatio to this effect, that whoever had put to death a Roman citizen without trial and condemnation, should be liable to the interdict of fire and water. Though Cicero was not mentioned in the Rogatio he knew what it meant, and he acted as if he were a guilty man. After endeavouring to move the compassion of the people, instead of relying on his services to the state, and appealing to the senate for his justification in the matter of Catilina's miserable

associates, he left Rome. Pompeius would not help him, and Caesar, who was going to his province of Gallia, waited before the gates of Rome until he saw that Cicero had left. Cicero's own admissions show plainly that his exile was the work of Caesar's intrigues; and Cicero never forgave Caesar. Immediately after Cicero had left Rome, Clodius procured a formal enactment against Cicero, by which he was prevented from remaining within four hundred miles of Rome.

With his exile begin Cicero's humiliation and degradation, from which he never recovered until after Caesar's death, when Antonius had left Rome, and Cicero again spoke like a man (Phil. v. c. 14) in the orations entitled Philippicae. Here we have his real opinions about Caesar and his faction.

Cicero was recalled from exile in B.C. 57, and he entered Rome in September. His restoration was effected by the zeal of some of his friends, who could act with more advantage after Clodius had retired from his tribunate, and they had the aid of Pompeius, who had been insulted by Clodius. Caesar also was consulted, and he consented to Cicero's restoration.

The speeches which Cicero delivered after his return (Quum Senatui, &c.; Quum Populo, &c., Vol. iii.), are not preserved. Those speeches which are now extant under these titles are spurious, as I believe with some critics; and even if we admit them to be genuine, we can learn hardly any thing from them which we do not learn better from Cicero's other orations and his letters. The oration in defence of Sestius (Vol. iii.) who had been active in effecting Cicero's restoration, is both a defence of Sestius, an apology for Cicero, and a history somewhat veiled of the intrigues which drove him from Rome. He speaks of Caesar, the real cause of his disgrace, in the tone of a man who feels that he has been wronged and dares not complain. He was afraid of Caesar, and courted his favour. The union which Caesar, Pompeius, and M. Crassus formed for the purpose of securing their several interests, a union sometimes incorrectly called the first triumvirate, was completed or confirmed at Luca, a place on the west side of Italy, and within the limits of Caesar's province of Gallia Cisalpina, where Pompeius and Crassus met him early in B.C. 56. The oration De Provinciis Consularibus (Vol. iv.), which belongs to this period, is a panegyric on Caesar, whose Gallic victories had made him the most conspicuous person in the Roman state, and Cicero could praise and flatter him without offending Pompeius, who had become Caesar's son-in-law by marrying his daughter Julia (B.C. 59). In B.C. 54 Cicero's brother Quintus joined Caesar in Gallia as one of his Legati, and thus the reconciliation between the great orator and the successful general seemed complete. Cicero corresponded with Caesar as a friend, but he wrote more like a courtly flatterer than

an equal and a man of spirit. Pliny's letters to Trajan are much more dignified.

Cicero's last great speech (B.C. 52) was in defence of Milo, who had killed Cicero's enemy, P. Clodius. We have not the speech which he delivered, but a speech which he wrote and published. The circumstances under which this speech was made give it somewhat of the character of a political address; and it shows that while he tried to assume a bold countenance, he was cowed by the power of Pompeius, who was then sole consul.

We have only three speeches which were delivered during Caesar's usurpation; the speech Pro Marcello, which I assume that we do not possess in its genuine form, and the addresses to C. Caesar in defence of Ligarius and Deiotarus. Caesar was now the master of the Roman state, and Cicero humbled himself before the man whom he feared and hated.

The collection of Cicero's letters is said to contain 877 [1]; among which letters there are about one hundred from different persons to Cicero. Though this collection is only a small part of what he wrote, it is very valuable for the history of the times and for Cicero's biography; and many of these letters help us to understand his orations better. The earliest of Cicero's extant letters is one to Atticus, written in the year after his aedileship, B.C. 68. The latest is a letter from Plancus to Cicero, dated near the end of July, B.C. 43. In the month of December, B.C. 43, Cicero was assassinated, being at that time near sixty-four years of age.

C. Caesar, whom Cicero flattered in his speeches for Ligarius and Deiotarus (B.C. 46 and 45), was murdered in the senate-house on the 15th of March, B.C. 44. Cicero was not among the conspirators, for they could not trust him, and had not let him into their secret. But he was in the senate-house on the 15th of March, and he saw Caesar murdered, and he was delighted with the bloody spectacle (Ad Att. xiv. 14, § 4; Phil. ii. c. 11, &c.). The deed, he says, was done with the spirit of men; but, as he soon saw, the assassins were only boys in counsel (Ad Att. xiv. 21). He would have gone further if he had been "invited to the noble festival of the 15th of March: we should then have had no leavings" (Ad Div. x. 28, § 1): instead of playing one act only, he would have finished the whole play (Phil. ii. c. 14): he would have killed M. Antonius, Caesar's colleague in the consulship (B.C. 44). This letter is addressed to C. Trebonius, one of the conspirators, who engaged Antonius in conversation before the senate-house while the bloody work was going on within. Plutarch (Anton. c. 13) gives one reason for Antonius' life being spared, and Cicero (Phil. ii. c. 14) gives a different,

[1] I do not know if the spurious letters to M. Brutus are included in this number. Those who are curious and have time may count them.

and probably not the true reason. He tells Trebonius (Ad Div. x. 28) that sometimes he can hardly help being angry with him for saving the life of this pestilent fellow Antonius. Though Cicero was not an accomplice in the assassination, he was an accessory after the fact. He gave his approbation to the murderers; he praised them in his speeches and in his letters; and he showed his zeal and his judgment too, in wishing that the conspirators had killed at least one man more. This one man spoiled all their work. A few words about M. Antonius, Cicero's new adversary, will help to explain the remainder of Cicero's orations; for the rest of Cicero's life was a struggle against Antonius.

M. Antonius was the grandson of the great orator M. Antonius, who was murdered (B.C. 87) by the order of C. Marius. The elder son of the orator was also named M. Antonius, and he was the father of M. Antonius, consul B.C. 44. This M. Antonius the son, surnamed Creticus, was Propraetor in B.C. 74, with very large powers against the pirates. He abused his authority by plundering and robbing, and he disgraced the arms of Rome by his incapacity (Verr. ii. c. 3; iii. c. 91). The orator had another son, C. Antonius, Cicero's colleague in the consulship (B.C. 63), a man who was as bad as his brother. The mother of the youngest M. Antonius was Julia, a daughter of L. Julius Caesar. After the death of Antonius Creticus, Julia married P. Lentulus Sura, who was one of Catilina's fellow-conspirators. Lentulus was put to death for his treason (B.C. 63) by order of the senate, and Cicero, the consul, looked after the execution; a circumstance which may have been one cause of his stepson's enmity to Cicero. Antonius was fond of pleasure, and we may believe that he was a dissolute young man without accepting as true all Cicero's abuse of him. One of his favourite companions was C. Scribonius Curio, the most prodigal young man in Rome. Antonius was also for a time a friend of P. Clodius, and supported him in his tribuneship, B.C. 58. From some cause this union did not last long, and Antonius retired to Greece. But he had a love for a military life, and was active and restless. In B.C. 57 A. Gabinius invited Antonius to his government of Syria, and gave him the command of his cavalry. Antonius accompanied Gabinius (B.C. 55) in his expedition to Egypt, for the purpose of restoring Ptolemaeus Auletes to his throne. He showed great military talent and resolution in this affair, and his good humour and jovial character pleased the citizens of Alexandria.

On his return from the east Antonius went to Caesar in Gallia in B.C. 54 or early in B.C. 53 (Phil. ii. c. 19); but he returned to Rome in B.C. 53, to be a candidate for the quaestorship, and with letters of recommendation from Caesar to Cicero. In B.C. 52 Antonius was quaestor, and he returned to Caesar, who speaks of him as being with him at the siege of Alesia (B. G. vii. 81), and as being left in command of the

winter quarters at Bibracte at the end of December. In the following year Antonius had the opportunity of making himself useful to Caesar, and learning something of the art of war. In B.C. 50 Caesar sent Antonius to Rome, to be a candidate for the augurship, in which he was successful, with the help of the tribune Curio; and thus he became a colleague of Cicero, who was also an augur. In the same year he was elected Tribunus plebis, and the year of his office was the year B.C. 49, in which Caesar invaded Italy. Antonius and his colleague Q. Cassius Longinus, at a meeting of the senate, put their veto on the proposal of Q. Metellus Scipio, to declare Caesar an enemy if he did not dismiss his army before a certain day; but the veto was not regarded, and the two tribunes left Rome on the 7th of January (B.C. 49), and joined Caesar. Antonius was appointed a Legatus of Caesar; and after Pompeius had left Italy on the 17th of March, Antonius and Cassius returned to Rome with Caesar, and resumed their office. When Caesar set out for Spain in April, B.C. 49, he left Antonius, with the title of Propraetor, in command of the troops in Italy, and with orders to prevent any persons from passing over the sea to Pompeius. Antonius wrote to Cicero an affectionate letter (Ad Att. x. 8), in which he entreats his beloved friend not to cross the sea, and to believe that he loved him better than any body except his dear Caesar. In another letter to Cicero, written in a different tone (Ad Att. x. 10), Antonius tells him that he has Caesar's orders to allow no man to leave Italy, and that he cannot permit it; but he advises Cicero to ask Caesar's permission, and he says that he has no doubt that Cicero will obtain it, especially as he promises to have regard to his friendly relations to Caesar and Antonius. Cicero however left Italy without permission.

Antonius acted in an arbitrary manner in Italy during Caesar's absence, and he scandalized the Romans and Italians by his loose way of living (Phil. ii. c. 23, &c.). Caesar took no notice of this on his return to Rome: he could not afford to lose so useful a man. When Caesar, at the end of B.C. 49, crossed the Adriatic to follow Pompeius, Antonius was left to bring over some legions from Brundisium, which he successfully accomplished. He joined Caesar before Pompeius' camp at Dyrrachium, where he distinguished himself, and he commanded the left wing at the battle of Pharsalus (B.C. 48). After this battle Antonius was sent to Italy with some troops to keep the country quiet. He landed at Brundisium, where he found Cicero, who had returned from Epirus. Antonius might have punished or at least driven him out of Italy, but he let him alone (Phil. ii. c. 3, 24, 25; Ad Att. xi. 7).

In the first part of B.C. 47 Caesar was still absent from Italy, but he was appointed Dictator a second time, and M. Antonius, his Magister Equitum, exercised authority in Rome. Things were in a very unquiet

state during Antonius' administration. His way of life was still the same: he turned night into day, eating, drinking, and amusing himself with worthless fellows and his favourite woman Cytheris. The tribune P. Cornelius Dolabella wished to get an insolvency act passed, with the view, it seems, of taking the benefit of it himself. His colleague, L. Trebellius, professed to be in favour of the aristocracy; and between them they filled Rome with violence and blood. Antonius at last brought the soldiers into Rome, who cut down eight hundred men (Livy, Ep. 113). Caesar's arrival in September restored order, but nobody was punished; Dolabella even received favours from Caesar. When the property of Cn. Pompeius was sold, Antonius was one of the buyers, though he never paid the purchase-money, and soon spent what he got. He lived in Pompeius' house. Dolabella got two of Pompeius' villae (Phil. xiii. c. 5).

Before the end of the year Caesar left Rome for the African war. On being appointed Dictator again he named M. Aemilius Lepidus his master of horse. Antonius did not join Caesar in the African war, which was ended in about six months.

In B.C. 47 Antonius married his third wife. His first wife was Fadia, the daughter of a freedman, Q. Fadius (Phil. ii. c. 2); his second wife was his cousin Antonia, daughter of C. Antonius, whom he put away on a charge of adultery with P. Dolabella. His third wife, Fulvia, had been the wife of P. Clodius, Cicero's enemy, and then of C. Scribonius Curio, who perished in Africa in B.C. 49. Her third husband was M. Antonius. It has seldom been a woman's lot to have three such dissolute fellows for husbands. Fulvia was a match for Antonius, and she governed him for a long time. Plutarch (Antonius, c. 10) says, "Cleopatra was indebted to Fulvia for training Antonius to woman-rule, inasmuch as Cleopatra received him quite tamed and disciplined from the commencement to obey women."

Antonius did not accompany Caesar in his Spanish war of B.C. 45. They were not on their former friendly footing, because Caesar pressed for payment for what Antonius had bought, and Antonius thought that his services entitled him to keep without paying. Cicero says that before Caesar set out on his Spanish campaign he allowed Antonius a little longer time for payment (Phil. ii. c. 29), and he also speaks of Antonius about this time having formed a design against Caesar's life. A great part of the scandalous talk in the second Philippic cannot be accepted as the exact truth.

Antonius went some distance from Rome to meet Caesar on his return from Spain after the defeat of the sons of Cn. Pompeius. They were now reconciled, and no more is said about Antonius making good his payments. Extraordinary honours were paid to the great conqueror.

He was made Consul for ten years and Dictator for life (Appian, B. C. ii. 106). Antonius was the foremost of his flatterers, the man of all work, and no doubt he was well paid for it. It is said that it was on his proposal that the fifth month of the old Roman year, Quintilis, in which Caesar was born, was named Julius, which name it has ever since retained (Dion Cassius, 44, c. 5, and the note of Reimarus). The Dictator's person was declared sacred. All that he did was to have full legal effect; or, as Appian expresses it, all the magistrates on their accession to office, were bound to swear that they would obey all the orders of Caesar. This was like the oath of allegiance to a modern usurper, or even more than allegiance; it was absolute submission to a despot. Finally he was deified as Divus Julius [2]. A temple was erected to his Clemency, and Antonius was made the priest, doubtless with a salary. Jupiter had his Flamen, Mars had his Flamen, Quirinus had his Flamen, and C. Caesar, the new god, had for his Flamen Antonius (Phil. ii. c. 43; Dion, 44, c. 6).

In B.C. 44 Antonius was further rewarded. He was the colleague of Caesar in the consulship. M. Aemilius Lepidus was the Magister Equitum of the Dictator. A Lex was passed on the proposal of L. Antonius, that before Caesar set out on his Parthian expedition, for which he had made preparation, he should have power to name the chief magistrates and governors of provinces; and he did name the Consuls and Tribuni plebis for the next two years (B.C. 43, 42), and the governors of the provinces also. The consul Antonius, at the Lupercalia (15th February) attempted to give Caesar all that he still wanted, a royal name. He presented him with a crown of bay, within which a diadem was visible, the symbol of the kingly name and title, and he put it on Caesar's head, or attempted to put it on, for the story is told with variations. Caesar however, it is said, seeing that the crowd really did not like the assumption of a kingly name, ordered the crown to be deposited in the temple of Jupiter Capitolinus. Another story says that the crown was placed on Caesar's statue, which was the same thing as putting it on his head [3].

[2] In the text of Dion it is said (44, c. 6) *καὶ τέλος Δία τε αὐτὸν ἄντικρυς Ἰούλιον προσηγόρευσαν*. It is hardly probable that he was called Jupiter Julius. Reimarus approves of the proposed correction *Δῖον* (divum) in place of *Δία*. This deification was after eastern fashion, for the Greek kings of Syria and Egypt were named God; but whether this Roman adulation was an imitation of eastern servility or an original idea, I don't know. Even now-a-days kings are invested with Majesty. Caesar had only Clemency. His title would be Your Clemency; and he deserved that. He might also have been addressed Your Foolishness; for none but a man whose head was turned would have accepted all this silly flattery, which did not increase his power, but made his enemies more bitter, and Caesar himself contemptible.

[3] This story about the diadem is told at some length in the Life of Caesar by Nicolaus

We now know enough of Antonius' character to estimate Cicero's judgment, who thought the conspirators should have killed him when they killed Caesar; and the events show that Cicero was right. To kill one consul and leave the other was absurd, when they knew Antonius' character so well. As Cicero says, they had not well considered their plan. On the day of the murder (March 15) the assassins took shelter in the Capitol, being amazed to find that the people did not respond to their cry for the restoration of liberty and the constitution. Antonius, who being at the door of the senate-house must have known of Caesar's death as soon as it was done, got out of the way and hid himself. In the night of the 15th Lepidus brought some troops into the city, and it would seem to have been an easy matter to storm the Capitol and massacre all the conspirators, who had only some gladiators of Decimus Brutus to protect them (Phil. iii. c. 9, and the note). Antonius had courage enough and no scruples, but he was cunning too, and he wished to get his ends in some easier way.

After Caesar's death P. Cornelius Dolabella assumed the consulship, and thus became the colleague of Antonius. Dolabella was a youth about twenty-five years of age. Caesar had declared in the beginning of the year (B.C. 44) that Dolabella should hold the consulship for the remainder of the year, after he had left Rome for his Parthian expedition. The Comitia were formally held for the election of Dolabella, but Antonius, who was jealous of him, attempted to invalidate the election by an Obnuntiatio, in his quality of augur. It seems however that the election was maintained, and Antonius recognized Dolabella as his colleague in the sitting of the 17th of March in the temple of Tellus (Phil. i. c. 13; Phil. ii. c. 32). This Dolabella, who was the third husband of Cicero's daughter Tullia, had joined Caesar in B.C. 49, and had served him at the battle of Pharsalus and in his African and his last Spanish campaign. He was one of the insolvents of the day, and hoped to mend his fortune. Caesar had none but worthless men about him. A usurper indeed can have no other company, for honest men must keep aloof. Dolabella joined the murderers of his old benefactor, and for a time Cicero had great hopes of his worthy son-in-law.

Antonius showed great cunning in these difficult circumstances. He began by getting possession of the money that was in Caesar's house and of all his papers. On the 17th of March the senate was summoned to the temple of Tellus, to decide what was to be done in the present state of affairs. Cicero made a speech on this occasion, in which he recommended an amnesty. His speech is not extant, but Dion (44, c.

Damascenus (p. 29, ed. N. Piccolos, with a French translation), and probably with embellishments. See also Phil. ii. c. 34.

23—33) has made a speech for him. The senate resolved that there should be no further inquiry about Caesar's death, and that all his measures (acta) should be confirmed. The veteran soldiers were kept quiet by a promise that their grants of lands should not be disturbed. M. Brutus and Cassius, even before the resolution of the senate was made, spoke to the soldiers from their safe place in the Capitol, and promised them security for their grants. Brutus afterwards wrote out this speech, or made a new one, and sent it to his friend Cicero for correction before it was published. Cicero found it above all correction; nothing could be more elegant, he tells Atticus (xv. 1, B); and he wants his friend's opinion about it. At this unsettled time Brutus was busy about turning phrases, and Cicero had leisure to admire.

The consuls summoned the people to hear the resolution of the senate, and Cicero made them a speech in praise of the amnesty. On the 18th of March the Liberators, as some called them, the murderers (parricidae), as others named them, came down from the Capitol and appeared in the senate. A reconciliation of all parties seemed to be accomplished; but Antonius soon put an end to it.

On the 17th of March the senate had decreed a public funeral for Caesar's body, and declared that his will should be opened and read (Appian, B. C. ii. 136). The testament declared C. Octavius, the grandson of the Dictator's younger sister, his heir, and that he should take Caesar's name. It gave to the people for their use Caesar's gardens beyond the Tiber, and to every Roman citizen a legacy of 300 sestertii. Among the 'secundi heredes,' or those who should take the property in case the primary dispositions of the testament failed, was D. Brutus, one of the assassins.

The feelings of the people were stirred up by the generosity of the Dictator and the ingratitude of his assassins; and Antonius took advantage of this disposition. He made a funeral oration over the Dictator in the Forum, and displayed the blood-stained dress and mutilated body. The people, instead of allowing the body to be taken to the Campus Martius, made a pile of such combustible materials as were ready to hand, and burnt the body in the Forum. The conflagration spread to the house of L. Bellienus, a senator, and was only stopped by the exertions of the soldiers. The crowd ran with brands to set fire to the houses of the chief conspirators, and particularly those of M. Brutus and Cassius, but they were repulsed. Part of the conspirators hid themselves, and some retired from the city. The story of these disturbances is told with some variations by the extant authorities, but the main facts are the same in all.

The senate was irritated against Antonius for what he had done in the matter of Caesar's funeral. It was his intention to rouse the people and

to take advantage of the popular excitement. However he pacified the senate for the time. On the proposal of Ser. Sulpicius, and with the consent of Antonius, it was declared in the senate that no decrees of Caesar should be put up after the Ides of March; and that the dictatorial office should be abolished (Phil. i. c. 2; Phil. ii. c. 36). Antonius also put to death one Amatius, a turbulent demagogue, who pretended to be a descendant of C. Marius, and attempted to stir up the people against Caesar's enemies and all the Nobiles. Antonius would not tolerate such a competitor for the public favour. He soon began to show his real intentions. Having Caesar's papers in his possession, he began to put in execution the dispositions which the Dictator had made. He recalled banished men from exile, distributed honours, remitted the payment of taxes, and gave the Roman citizenship to individuals and to whole communities. What he did not find in Caesar's papers he is said to have forged with the help of Caesar's secretary Faberius. Antonius got money from those whom he obliged, and he removed out of the temple of Ops 700 millions of sestertii, public money which Caesar had placed there (Phil. i. c. 7 and 10; and Phil. v. c. 4). The conclusion from Phil. ii. c. 27 is that Antonius seized some of the money in the temple of Ops before the 1st of April. He seems not to have taken it all at once. It was probably as safe there till he wanted it as any where else.

With such means at his command he could do what he pleased. In a state which maintains a large military force, a man who seeks power must gain the soldiers. Antonius with the aid of his brother Lucius carried an Agraria Lex which gave lands to the old soldiers both in Italy and Sicily, and Antonius himself was one of seven commissioners who were appointed to execute the Lex. P. Dolabella, his colleague, and his brother Lucius, were also commissioners. Antonius made a journey in Italy in the end of April and the beginning of May with the view, as it seems, of strengthening his interests with the soldiers who had received grants of land. Cicero (Phil. ii. c. 39, &c.) has given an account of this journey. He returned, says Cicero, with an army at his heels (Phil. ii. c. 42).

After Caesar's return from his last Spanish war, he sent C. Octavius to Apollonia in Illyricum with the rhetorician Apollodorus. He was to wait there till the Dictator arrived, and to accompany him on his Parthian expedition. On hearing of Caesar's death Octavius resolved to return to Rome. He landed at Lupiae, near Brundisium, and hearing of Caesar's testament, and the events that had happened since his death, he assumed the name of C. Julius Caesar Octavianus. The great name which he assumed and his own talents made his fortune. The partizans of Caesar and the old soldiers received him joyfully on his way to Rome. Cicero, who was staying at Astura, heard of the youth's

progress on the 11th of April (Ad Att. xiv. 5), and wrote to Atticus wishing to know what it meant. He did not think that it was a matter of any importance. Caesar passed by Puteoli, where his step-father L. Philippus lived, and he paid a visit to Cicero who was then Philippus' neighbour. Those who were about the youth addressed him by the name of Caesar, but Philippus did not, nor did Cicero. The young man, the boy, as Cicero called him—he was only eighteen—showed a very friendly disposition to Cicero, who saw that he had understanding and spirit, but he was afraid when he thought of his youth, the name he bore, and of the suggestions of those who surrounded him. However Caesar made Cicero believe that he was well-disposed towards the assassins, our ἥρωες, as Cicero calls them (Ad Att. xiv. 11 and 12; xv. 12). Cicero does not speak of Caesar in the first two Philippics.

Caesar arrived at Rome shortly before the return of Antonius. When the consul had come back, Caesar demanded of him the succession of the Dictator and an account of his administration of it. Antonius refused to come to a settlement, upon which Caesar sold the Dictator's land and expended his own patrimony for the purpose of paying his great-uncle's legacies and giving splendid spectacles to the people. The intrigues of Antonius were powerless against Caesar's prudence and caution, and at last he found it politic to propose a reconciliation. Antonius also gained over his colleague Dolabella, who at first had declared for the faction of the assassins. The people had set up in the Forum a column of Numidian stone in the form of an altar to Caesar, and with the inscription on it of "Parenti Patriae." Offerings were made there and vows and prayers; and the altar became a rallying point for a disorderly rabble. About the end of April and during Antonius' absence from Rome (Phil. ii. c. 12) Dolabella sent a strong force to clear the place. The people made resistance, but some of them were cut down, and others were seized; the slaves were crucified; the freemen were pitched down the Tarpeian rock. The altar was taken away and the place was paved. Cicero was delighted with Dolabella's proceedings. He hoped to find in him a resolute opponent to Antonius (Ad Att. xiv. 15 and 20), a man to his own mind, and a worthy disciple. He wrote to Dolabella (Ad Att. xiv. 17 A, and Ad Div. ix. 14) a long letter of congratulation, in most extravagant language, one of the many proofs of his strong adhesion to the party of Brutus and Cassius and of his sanguine hopes of the future, which were always disappointed. Antonius soon changed Dolabella's policy. The man was in debt and wished to retain the province of Syria, which he had already obtained from the people. Antonius bought Dolabella, and Cicero changed his opinions about his son-in-law (Ad Att. xiv. 18; xvi. 15).

In the arrangements which Caesar had made about the provinces, M.

Brutus and Cassius, who were praetors in B.C. 44, were to have respectively Macedonia and Syria during the next year. Decimus Brutus had Gallia Cisalpina, and C. Trebonius Asia; and both of them had left Rome for their provinces. Brutus and Cassius could not go to their provinces, being detained at Rome by their office. They had kept in retirement since the memorable day of Caesar's funeral, and in the month of April they left Rome, where they had no power and were not safe. They stayed somewhere in the neighbourhood, and Antonius took care that they should not return. He got a Lex passed by which the Praetor Urbanus was released from his obligation not to be absent from Rome for more than ten days; and on the motion of Antonius also, M. Brutus received a commission to look after supplies of corn from Creta, and Cassius from Cyrene. They were to have these provinces as proconsuls in place of those which were assigned to them before (Phil. xi. 12). Dolabella had secured for himself Syria, as it has been already said, and he was to conduct the war against the Parthians. Antonius obtained from the senate Macedonia, where the legions were stationed which Caesar had got ready for the Parthian war. But he soon wished to exchange Macedonia for Decimus Brutus' province of Gallia Cisalpina, and to remove thither the legions from Macedonia. This was too barefaced a proposal for the senate to entertain; but Antonius got the people to consent to this new arrangement, which may have been made in June, for in July the Macedonian legions were expected at Brundisium (Ad Att. xvi. 5 and 4). Brutus' refusal to give up Gallia Cisalpina was afterwards the cause of the war in north Italy.

The great conspirators M. Brutus and Cassius began and ended their work of liberation on the 15th of March by an act of assassination. They did nothing after that day, and perhaps they could not, for they had killed a usurper without well considering what was to come next. We do not know well what they were doing after the 18th of March. There is a letter from M. Brutus and Cassius to Antonius (Ad Div. xi. 2), which was written after Dolabella had destroyed the altar, and after Antonius' return to Rome. They tell Antonius that they are informed by letter that a great number of old soldiers (veterani) had flocked to Rome, and that many more were expected on the 1st of June, the day which Antonius had fixed for a meeting of the senate to deliberate about Caesar's Acta (Phil. ii. c. 39). They ask Antonius if he thinks that they will be safe at Rome among so many soldiers. They were probably never in Rome after the date of this letter. Brutus lingered in Italy till the Ludi Apollinares were celebrated (7th of July), which it was his business as Praetor Urbanus to provide for. The Praetor C. Antonius in Brutus' absence superintended the games, and Brutus furnished the cost. He had hired actors, he had bought many wild beasts, and spared

no expense, in the hope that the popular feeling might be changed by the splendour of the shows, that the Liberators might be invited back to Rome. The people were much pleased with what Brutus had prepared for their amusement; and they applauded, but that was all (Ad Att. xvi. 2). There is a joint letter from Brutus and Cassius to Antonius dated the 4th of August, in which they complain of an insulting letter of Antonius in answer to some demand that they had made to him. They were evidently preparing to leave Italy (Ad Div. xi. 3). Cicero, who had been for some time absent from Rome, had already set out for Greece. On the 28th of July he was at Rhegium, whence he passed over to Syracuse. On his voyage from Syracuse he was driven back to Leucopetra, a place at the extremity of Italy, and in the neighbourhood of Rhegium. There he heard that there was a better prospect at Rome, that the recall of the Liberators was expected, that his absence was complained of, and that he was wanted (Ad Att. xvi. 7). He immediately resolved to return to Rome. He reached Velia on the coast of Lucania on the 17th of August, at the time when Brutus with his vessels was at the mouth of the river Hales, which is about three miles from Velia. This was the last time that they met. Brutus, who was on his way to the east, was rejoiced that Cicero was returning to Rome. He expressed his sorrow that Cicero had not been there earlier, and at the sitting of the senate of the 1st of August, when L. Piso, the Dictator's father-in-law, had opposed Antonius and taken the place that belonged to Cicero. On the 19th of August Cicero landed at his Pompeianum, not well resolved what to do. At last he returned to Rome on the 31st of August.

Antonius had fixed a meeting of the senate in the temple of Concordia on the 1st of September, when he intended to propose that certain honours should be paid to Caesar's memory. Cicero pretended that he was too tired with his journey to be present, and Antonius threatened him for not appearing (Phil. i. c. 5). The following day the senate sat again in the temple of Concordia. Antonius was not present, but Cicero was, and he delivered his first Philippic, in which he explained his reasons for leaving Italy and returning, and complained of the conduct of Antonius and his colleague Dolabella, yet in such terms as showed that he still hoped that a quiet settlement of affairs might be made. This speech made Antonius break off all further connexion, and they became declared enemies.

There are fourteen orations entitled Philippicae. The origin of this name is not known. According to the collection of letters entitled Ad Brutum, Cicero first named them so in jest, and Brutus adopted the name (Ad Brut. ii. 4 and 5).' A. Gellius always calls them Orationes Antonianae; but in the MSS. and elsewhere they are always named

Philippicae, and it was the current name (Juvenal x. 125, "Quam te conspicuae, divina Philippica, famae, Volveris a prima quae proxima"). Plutarch (Cicero, c. 24) says, "Cicero intitled his own orations on which he bestowed most labour, those against Antonius, Philippics;" following the example of the Greek orator, Demosthenes, whom he greatly admired, some of Demosthenes' orations against King Philip being intitled Philippici. Halm remarks that the grammarian Nonius quotes two passages out of a sixteenth Philippic, neither of which passages is in the extant Philippics.

The Philippicae are edited by Halm in the edition of Orelli's Cicero. The following are the abbreviations of the MSS. which he uses:—

V = codex tabularii basilicae Vaticanae signatus H. 25, quem denuo in usum nostrum contulerunt Car. Bursianus et Otto Ribbeckius, sed majorem partem Bursianus.

a = codex Bambergensis saec. xiii. signatus M. iv. 5.

b = codex Bernensis num. 104 saec. xiii. a Baitero collatus.

g = codex Gudianus num. 278, nunc Wolfenbuttelanus ab Alfredo Fleckeiseno collatus.

t = codex Tegernseensis saec. xi. Hunc et Bambergensem ipse contuli.

D = a b g t, codices ejusdem familiae. Cum a g negligentius scripti et magis vitiati sint quam b t, inde a libro tertio vitia horum propria, a quibus b et t liberi sunt, pleraque praetermittenda putavimus.

i = codex Italicus saec. xv. quem Lagomarsini in manibus habuit et num. 55 signavit. Nunc possidet Henricus Alanus vir clarissimus, qui eum ex Hibernia Baitero nostro misit, quam eximiam benevolentiam animo gratissimo publice profitemur. Lectiones codicis exscripsimus per primum librum et per eas reliquarum orationum partes quae aut in V aut in D desiderantur.

There is an edition of the first and second Philippic by Halm (1856), with German notes and a long Introduction, which I have used.

M. TULLII CICERONIS

IN M. ANTONIUM

ORATIONUM PHILIPPICARUM

LIBRI XIV.

LIBER PRIMUS.

I. Ante quam de re publica, patres conscripti, dicam ea quae dicenda hoc tempore arbitror, exponam vobis breviter consilium et profectionis et reversionis meae. Ego quum sperarem aliquando ad vestrum consilium auctoritatemque rem publicam esse revocatam, manendum mihi statuebam quasi in vigilia quadam consulari ac senatoria. Nec vero usquam discedebam, nec a re publica dejiciebam oculos ex eo die quo in aedem Telluris convocati sumus. In quo templo, quantum in me fuit, jeci fundamenta pacis, Atheniensiumque renovavi vetus exemplum; Graecum etiam

1. *reversionis*] 'Reversio' is a return before a man has reached the end of his journey or the place to which he intended to go, which was the case with Cicero's voyage to Greece. 'Reditus' is a return from a place which is the end of a man's journey (Ad Att. xvi. 7): "quam valde ille (Brutus) reditu vel potius reversione mea laetatus effudit illa omnia quae tacuerat." Comp. Phil. ii. c. 30: "Qui vero Narbone reditus? Non, Quae Narbone reversio?" But this distinction is not always observed (Manutius).

Telluris] On the 17th of March (Introd.). The temple of Tellus is said to have been situated on the slope of the Esquilinus, which looked towards the Forum. It was near Antonius' house, who chose this place because he dared not go to the Curia which was below the Capitol, for fear of the gladiators who protected the conspirators (Appian, B. C. ii. 126).

Atheniensium] After the revolution effected by Thrasybulus, the Athenians agreed *μὴ μνησικακήσειν*, that is, to forget all the past and to give every man security. (Xenophon, Hell. ii. 4. 43.) Andocides (*περὶ μυστηρίων*, c. 14), says of the same event: *καὶ ἔδοξε μὴ μνησικακεῖν ἀλλήλοις τῶν γιγνομένων*. One MS. of Cicero has the word 'amnestiam' after 'verbum,' but it is an interpolation. Valerius Maximus (iv. 1. 4, Ext.) speaking of the Athenian amnesty says: "haec oblivio quam Athenienses *ἀμνηστίαν* vocant." Plutarch (Cicero, c. 42) has the same word; and Appian (B. C. ii. 142). It seems probable from a passage in Vopiscus (Aurelian, c.

verbum usurpavi, quo tum in sedandis discordiis usa erat civitas illa, atque omnem memoriam discordiarum oblivione sempiterna delendam censui. Praeclara tum oratio M. Antonii, egregia etiam voluntas, pax denique per eum et per liberos ejus cum praestantissimis civibus confirmata est. Atque his principiis reliqua consentiebant. Ad deliberationes eas, quas habebat domi de re publica, principes civitatis adhibebat: ad hunc ordinem res optimas deferebat; nihil tum nisi quod erat notum omnibus in C. Caesaris commentariis reperiebatur; summa constantia ad ea quae quaesita erant respondebat. Num qui exsules restituti? Unum aiebat, praeterea neminem. Num immunitates datae? Nullae, respondebat. Assentiri etiam nos Ser. Sulpicio clarissimo viro voluit, ne qua tabula post Idus Martias ullius decreti Caesaris aut beneficii figeretur. Multa praetereo eaque praeclara; ad singulare enim M. Antonii factum festinat oratio. Dictaturam, quae jam vim regiae potestatis obsederat, funditus ex re publica sustulit; de qua ne sententias quidem diximus: scriptum senatusconsultum quod fieri vellet attulit, quo recitato auctoritatem ejus summo studio secuti sumus, eique amplissimis verbis per senatusconsultum gratias egimus. II. Lux quaedam videbatur oblata, non modo regno, quod pertuleramus, sed etiam regni timore sublato; magnumque pignus ab eo rei publicae datum, se liberam civitatem esse velle, quum dictatoris nomen, quod saepe justum fuisset, propter per-

39), quoted by Manutius, that Cicero did use the word ἀμνηστία, for want of a Roman word: "Amnestia etiam sub eo delictorum publicorum decreta est de exemplo Atheniensium, cujus rei etiam Tullius in Philippicis meminit."

per liberos] Antonius sent his son (c. 13) and Lepidus a son also, as hostages to the conspirators in the Capitol, before they came down to the sitting of the senate on the 18th of March. Antonius sent only one of his sons, but it is usual to speak of one child thus. It was a son by Fulvia, a mere child (Phil. ii. c. 36).

deferebat] See Index, Vol. i.—'commentariis:' see Introd. 'Commentarii' is Caesar's papers, notes (Pro Sulla, c. 9, Vol. iii., and the note). Caesar's Gallic war is called Commentarii. See also Cicero, Ad Div. v. 12.

restituti] "In Commentariis a Caesare" (Manutius).—'unum:' Sex. Clodius, the agent of P. Clodius, who had been banished after Milo's trial (p. 378). See Ad Att. xiv. 13, a letter of Antonius to Cicero, in which he expresses his wish to recall Sex. Clodius from exile, because he found this intention written in Caesar's Commentarii; but he says that he will not recall him against Cicero's wish. Cicero, who believed that these entries in the Commentarii were forged, as he says to Atticus, made to Antonius' friendly letter a most friendly reply and consented. The letters of the two hypocrites are worth reading.

immunitates] See Introd. These 'immunitates' were privileges, exemptions from taxes or other burdens, which were granted to towns and provinces.—'figeretur:' this is the usual word. (In Cat. iii. c. 8, and the note.) As to Ser. Sulpicius see the Introd. to the Pro Murena, Vol. iii.

Dictaturam] Antonius himself proposed the abolition of the dictatorial office. This was after the turbulent day of Caesar's funeral. He had gone rather too far, and wished to pacify the senate. Cicero says nothing in this oration about the funeral; he still wished to keep on good terms with Antonius. In the second Philippic he is more particular in his narrative.

2. *justum*] 'legal,' when a Dictator was

petuae dictaturae recentem memoriam funditus ex re publica sustulisset. Liberatus periculo caedis paucis post diebus senatus: uncus impactus est fugitivo illi, qui in C. Marii nomen invaserat. Atque haec omnia communiter cum collega, alia porro propria Dolabellae, quae, nisi collega abfuisset, credo iis fuisse futura communia. Nam quum serperet in urbe infinitum malum idque manaret in dies latius, idemque bustum in foro facerent, qui illam insepultam sepulturam effecerant, et quotidie magis magisque perditi homines cum sui similibus servis tectis ac templis urbis minarentur, talis animadversio fuit Dolabellae quum in audaces sceleratosque servos, tum in impuros et nefarios liberos, talisque eversio illius exsecratae columnae, ut mihi mirum videatur tam valde reliquum tempus ab illo uno die dissensisse. Ecce enim Kalendis Juniis, quibus ut adessemus edixerant, mutata omnia: nihil per senatum, multa et magna per populum, et absente populo et invito. Consules designati negabant se audere in senatum venire: patriae liberatores urbe carebant ea, cujus a cervicibus jugum servile dejecerant, quos tamen ipsi consules in contionibus et in omni sermone laudabant; veterani qui appellabantur, quibus hic ordo diligentissime caverat, non ad conservationem earum rerum quas habebant, sed ad spem novarum praedarum incitabantur. Quae quum audire mallem quam videre, haberemque jus legationis liberum, ea mente

appointed for a temporary purpose and for a fixed time (Tacit. Annal. i. 1).—'uncus:' the bodies of some criminals were dragged by a hook after execution and pitched into the Tiber (Pro C. Rabirio, c. 6, and the note). As to this pretender, see the Introd., and Appian, B. C. iii. 2, &c.

abfuisset] Antonius was absent from Rome in part of April and May, during which time Dolabella pulled down Caesar's column (Introd.).

serperet in urbe] 'serperet in urbem' V., Halm. — 'infinitum:' the end or result of which could not be foreseen (Halm).—'bustum:' see Index, Vol. iii.—'insepultam sepulturam:' an imitation of a Greek form, as the commentators observe, νύμφην τ' ἄνυμφον, παρθένον τ' ἀπάρθενον, and ἄταφος τάφος. It was no 'sepultura,' because it was made irregularly in the Forum, instead of the Campus, and accompanied with violence (Introd.). Orelli compares the verse of a Latin tragic writer (Cicero, De Or. iii. c. 58): "Qua tempestate Paris Helenam innuptis junxit nuptiis."

Kalendis Juniis] Cicero was not present. — 'per populum,' &c.: Plebiscita were passed by the Populus, but Cicero means there was only a rabble present, as Ferrarius explains it, and Manutius.

Consules designati] A. Hirtius and C. Pansa, consuls for B.C. 43 (Introd.).—'laudabant:' an allusion to the well-known formula 'quem honoris caussa nomino,' and other like kinds of honourable mention (Halm). See Index, Vol. ii. 'Honoris gratia, caussa.'

appellabantur] 'appellantur,' b, t; which would mean 'as they are called,' and so some critics have understood it; but Cicero means 'who were addressed by Antonius.' See Introd.

liberum] Dolabella had named him as 'legatus' for his province of Syria; Cicero writes about this to Atticus (xv. 11, 4). He could use this 'legatio' or not; but he had not a 'libera legatio' (De Lege Agraria, i. c. 3, and the note).—'initium senatus:' when the Consules designati, Hirtius and Pansa, would enter on their office, and all the senators could venture to appear.

discessi ut adessem Kalendis Januariis, quod initium senatus cogendi fore videbatur.

III. Exposui, patres conscripti, profectionis consilium; nunc reversionis, quae plus admirationis habet, breviter exponam. Quum Brundisium, iterque illud, quod tritum in Graeciam est, non sine caussa vitavissem, Kalendis Sextilibus veni Syracusas, quod ab ea urbe transmissio in Graeciam laudabatur; quae tamen urbs mihi conjunctissima plus una me nocte cupiens retinere non potuit. Veritus sum ne meus repentinus ad meos necessarios adventus suspicionis aliquid afferret, si essem commoratus. Quum autem me ex Sicilia ad Leucopetram, quod est promontorium agri Regini, venti detulissent, ab eo loco conscendi ut transmitterem, nec ita multum provectus rejectus austro sum in eum ipsum locum unde conscenderam. Quumque intempesta nox esset mansissemque in villa P. Valerii comitis et familiaris mei, postridieque apud eundem ventum exspectans manerem, municipes Regini complures ad me venerunt, ex iis quidam Roma recentes; a quibus primum accipio M. Antonii contionem, quae mihi ita placuit, ut ea lecta de reversione primum coeperim cogitare. Nec ita multo post edictum Bruti affertur et Cassii, quod quidem mihi, fortasse quod eos etiam plus rei publicae quam familiaritatis gratia diligo, plenum aequitatis

3. *non sine caussa*] Through fear of the Macedonian legions which were ex-expected at Brundisium in July (Ad Att. xvi. 2 and 4).—'conjunctissima:' because he had been quaestor in Sicily, and had prosecuted Verres for his mal-administration in that island. See Verr. ii. 4, c. 61.—'promontorium:' 'promuntorium' (Halm), who adds that this is the constant writing of the oldest MSS., and consistent with the derivation of the word from 'prominere.'—'Regini:' Halm says that the MSS. never have 'Rhegini.'

intempesta nox] Compare In Pis. c. 38, "nocte intempesta;" night being an unfit time for doing any thing, and hence 'intempesta nox' is the dead of night. See Macrob. Sat. i. c. 3.

contionem ... lecta] A copy was brought to him. Speeches were taken down in writing, or if the speakers wrote them out, they were copied by copiers and sent as news to those who wanted them or ordered them. This was a kind of publication. Many other instances might be cited besides this.

edictum Bruti] This may be the 'edictum' mentioned (see the Introduction) in the last letter from Brutus and Cassius to Antonius (Ad Div. xi. 3): "Nos, Antoni, te nulla lacessiimus injuria neque miraturum credidimus, si praetores et ea dignitate homines aliquid edicto postulassemus a consule." Perhaps this was the same edict which Velleius speaks of (ii. c. 62): "M. Brutus et C. Cassius nunc metuentes arma Antonii, nunc ad augendam ejus invidiam simulantes se metuere, testati edictis libenter se vel in perpetuo exilio victuros, dum res publica constaret et concordia, nec ullam belli civilis praebituros materiam, plurimum sibi honoris esse in conscientia facti sui, profecti urbe atque Italia," &c. Halm connects this passage of Velleius with the passage in the text; but Velleius is somewhat vague. The 'edictum' mentioned in the letter may be that which Cicero here alludes to, for in one passage of this letter it is said: "Illud vero quemadmodum ferendum sit tute cogita – non licere praetoribus concordiae ac libertatis caussa per edictum de suo jure decedere quin consul arma minetur." The 'edictum' mentioned in this passage of this oration and in the letter to Atticus (xvi. 7) are of course the same, for he tells the same story in both places.

videbatur. Addebant praeterea—fit enim plerumque ut ii qui boni quid volunt afferre affingant aliquid quo faciant id quod nuntiant laetius—rem conventuram; Kalendis [Sextilibus] senatum frequentem fore; Antonium, repudiatis malis suasoribus, remissis Galliis provinciis, ad auctoritatem senatus esse rediturum. IV. Tum vero tanta sum cupiditate incensus ad reditum ut mihi nulli neque remi neque venti satisfacerent, non quo me ad tempus occursurum non putarem, sed ne tardius quam cuperem rei publicae gratularer. Atque ego celeriter Veliam devectus Brutum vidi; quanto meo dolore, non dico. Turpe mihi ipsi videbatur in eam urbem me audere reverti, ex qua Brutus cederet, et ibi velle tuto esse, ubi ille non posset. Neque vero illum similiter atque ipse eram commotum esse vidi; erectus enim maximi ac pulcherrimi facti sui conscientia nihil de suo casu, multa de vestro querebatur. Ex quo primum cognovi, quae Kalendis Sextilibus in senatu fuisset L. Pisonis oratio, qui quamquam parum erat,—id enim ipso a Bruto

rem conventuram] 'that all would be settled.' Cicero says (Ad Att. xvi. 7): "summam spem nuntiabant fore ut Antonius cederet, res conveniret, nostri Romam redirent."

Kalendis [*Sextilibus*]] Halm suggests that Sex. in the MSS. may be intended for Sep. He also observes that the month is not mentioned in the letter to Atticus (xvi. 7): "Haec adferebant: edictum Bruti et Cassii et fore frequentem senatum Kalendis." As the next Calends were September, there was no occasion to mention the month.

remissis Galliis] See the Introd. Before Antonius got Gallia Cisalpina from the people, and against the will of the senate, there was a report that he would try to get Transalpina, which Caesar had given to L. Munatius Plancus (Cicero, Ad Att. xiv. 14).

4. *L. Pisonis*] The Dictator's father-in-law, against whom Cicero had delivered his filthy oration entitled 'In Pisonem.' He was now a model for Cicero's imitation, a leader of the party opposed to Antonius.—'si quid humanitus:' if any thing should befal him according to the condition of humanity; if he should die a violent death; for there are many ends contrary to the natural end (praeter naturam), and even contrary to fate. His meaning will appear by a comparison of a passage in the Pro Caelio (c. 32): "Nolite, judices, aut hunc jam natura ipsa occidentem velle maturius extingui vulnere vestro quam suo fato." Gellius (xiii. 1) quotes "Hunc igitur . . . voluntatis," and he has a discussion on Cicero's meaning. He says "atque id maxime requirendum qua ratione dixerit accidere multa humanitus posse praeter fatum, quando sic ratio et ordo et inseparabilis quaedam fati necessitas constituitur ut omnia intra fatum claudenda sint; nisi illud sane Homeri secutus est

> *μὴ καὶ ὑπὲρ μοῖραν δόμον Ἄϊδος εἰσαφίκηαι.*"

He has no doubt that Cicero means a violent death, which can properly be said 'accidere praeter naturam;' but he has no time to discuss the 'praeter fatum.' Gellius supposes that Cicero imitated a passage in Demosthenes' speech Pro Corona: Ὁ *μὲν τοῖς γονεῦσι μόνον γεγενῆσθαι νομίζων τὸν τῆς εἱμαρμένης καὶ τὸν αὐτόματον θάνατον περιμένει· ὁ δὲ καὶ τῇ πατρίδι ὑπὲρ τοῦ μὴ ταύτην ἐπιδεῖν δουλεύουσαν ἀποθνήσκειν ἐθελήσει.* Abrami does what Gellius left undone. He says that there were two opinions, one of which made every thing and even human actions depend on fate; the other made human actions free, admitted a free will in man; and he finds that Homer, Virgil, and Cicero embraced this opinion, as he shows by instances.

There is nothing but confusion in these notions about man's free will. Sometimes, as we see in Euripides (Vol. iii. Index), the deity leads man to his ruin. Sometimes man comes to ruin through his own folly and perverseness:

> *αὐτοὶ γὰρ σφετέρῃσιν ἀτασθαλίῃσιν ὄλοντο.*
> (Hom. Od. i. v. 7.)

audieram,—a quibus debuerat adjutus, tamen et Bruti testimonio,—quo quid potest esse gravius?—et omnium praedicatione, quos postea vidi, magnam mihi videbatur gloriam consecutus. Hunc igitur ut sequerer properavi, quem praesentes non sunt secuti; non ut proficerem aliquid, neque enim sperabam id neque praestare poteram, sed ut, si quid mihi humanitus accidisset,—multa autem impendere videntur praeter naturam etiam praeterque fatum,—hujus tamen diei vocem testem rei publicae relinquerem meae perpetuae erga se voluntatis.

Quoniam utriusque consilii caussam, patres conscripti, probatam vobis esse confido, prius quam de re publica dicere incipio, pauca querar de hesterna M. Antonii injuria, cui sum amicus, idque me nonnullo ejus officio debere esse prae me semper tuli. V. Quid tandem erat caussae cur in senatum hesterno die tam acerbe cogerer? Solusne aberam, an non saepe minus frequentes fuistis? an ea res agebatur ut etiam aegrotos deferri oporteret? Hannibal, credo, erat ad portas, aut de Pyrrhi pace agebatur, ad quam caussam etiam Appium illum et caecum et senem delatum esse memoriae proditum est. De supplicationibus referebatur, quo in genere senatores deesse non solent. Coguntur enim non pignoribus, sed eorum de quorum honore agitur gratia; quod idem fit quum de triumpho refertur. Ita sine cura consules sunt ut paene liberum sit senatori non adesse. Qui quum mihi mos notus esset,

Cleanthes (Hymn to Zeus) makes every thing come from Jupiter except that which man does through his want of sense:

> *οὐδέ τι γίγνεται ἔργον ἐπὶ χθονὶ σοῦ δίχα, δαῖμον,*
> *οὔτε κατ' αἰθέριον θεῖον πόλον οὔτ' ἐνὶ πόντῳ,*
> *πλὴν ὁπόσα ῥέζουσι κακοὶ σφετέρῃσιν ἀνοίαις.*

It is one thing to find out an author's meaning; another to approve or condemn it. This absurd trifling about words makes up a large part of what has been called philosophy. Theophrastus cut the knot sharp and clear when he said that *ἡ εἱμαρμένη* and *φύσις* were the same. He might have gone further and said that *φύσις* comprehended every thing. But this unlucky word is a cause of confusion to the present day. Aristotle's distinction between a natural death (*κατὰ φύσιν*) and a violent death, is worth nothing. He calls it violent when the origin (*ἡ ἀρχή*) is from without, and natural when the origin is internal.

ejus officio] When Antonius saw him at Brundisium after the battle of Pharsalus (Ad Att. xi. 7; Phil. ii. c. 3 and 24, and the Introd.).

5. *hesterno die*] See the Introd.—'Appium . . . delatum:' brought down to the senate. See De Senectute, c. 6.

De supplicationibus] The motion was about 'supplicationes' in honour of the Dictator. Halm seems to explain this passage correctly by comparing it with passages in Dion Cassius. One passage, which speaks of the honours paid to the Dictator after death, is (45, c. 7): *καὶ ἱερομηνίαις* (supplicationibus) *τισὶν ἐπινικίοις ἰδίαν ἡμέραν ἐπὶ τῷ ὀνόματι αὐτοῦ ἐβουθύτησαν.* There is another passage, which applies to a subsequent time (47, c. 18), in which, after speaking of honours to Caesar's memory, he says: *εἴ τε νίκη τις ἠγγέλθη ποθέν, χωρὶς μὲν τῷ κρατήσαντι, χωρὶς δὲ ἐκείνῳ καὶ τεθνεῶτι τιμὴν ἱερομηνίας ἔνεμον.*

quumque e via languerem et mihimet displicerem, misi pro amicitia qui hoc ei diceret. At ille vobis audientibus cum fabris se domum meam venturum esse dixit. Nimis iracunde hoc quidem et valde intemperanter. Cujus enim maleficii ista poena est, ut dicere in hoc ordine auderet se publicis operis disturbaturum publice ex senatus sententia aedificatam domum? Quis autem umquam tanto damno senatorem coegit, aut quid est ultra pignus aut mulctam? Quod si scisset quam sententiam dicturus essem, remisisset aliquid profecto de severitate cogendi. VI. An me censetis, patres conscripti, quod vos inviti secuti estis decreturum fuisse, ut parentalia cum supplicationibus miscerentur, ut inexpiabiles religiones in rem publicam inducerentur, ut decernerentur supplicationes mortuo? nihil dico cui. Fuerit ille [L.] Brutus, qui et ipse dominatu regio rem publicam liberavit, et ad similem virtutem et simile factum stirpem jam prope in quingentesimum annum propagavit, adduci tamen non possem, ut quemquam mortuum conjungerem cum immortalium religione, ut cujus sepulcrum nusquam exstet ubi parentetur, ei publice supplicetur. Ego vero eam sententiam dixissem ut me adversus populum Romanum, si qui accidisset gravior rei publicae casus, si bellum, si morbus, si fames, facile

e via] "*e via* mei: *de via* Orell. cum 3 codd. Ferrarii" (Halm). Ferrarius greatly approves 'de via.'—'mihimet displicerem:' 'tristior essem' (Manutius).—'cum fabris:' he tells this somewhat differently Phil. v. c. 7.

publicis operis] That is, 'fabri.' Cicero's house, which had been destroyed in the tribunate of Clodius, was rebuilt by order of the senate.

ultra pignus] A senator might be compelled to attend the senate by a 'pignoris capio;' that is, a distress levied on his goods, or by fine. Gellius xiv. 7: "Praeter haec de pignore quoque capiendo disserit, deque mulcta dicenda senatori, qui quum in senatum venire deberet non adesset."

6. *parentalia*] An annual solemnity and feast in honour of dead kinsfolk, celebrated in February (Cicero, De Legg. ii. c. 21; Ovid, Fasti, ii. v. 570). All these honours to the dead man with 'supplicationes' would have been religious ceremonies (religiones) or rather abuses of religion, which would have been crimes before the gods, and past all forgiveness.

[*L.*] *Brutus*] Who aided in expelling Tarquinius Superbus. The descent of Cicero's friend Brutus from the king-expeller is one of Cicero's doubtful bits of history. Dionysius (Ant. Rom. v. 18) says that L. Brutus left no descendants, which may be true or not. If he did, it is not very likely that they would exist five hundred years after. The old Brutus was a patrician, as it is said, and the younger liberator was a plebeian; but this of itself would not show Cicero to be wrong. Plutarch (Brutus, c. 1) has some more about this matter. He says that the king-expeller was Marcus' ancestor; and he meets the objections made to Marcus' descent on the ground that the sons of the king-expeller were put to death, by quoting Posidonius, who says that an infant remained from whom the race of Marcus Brutus came. The pedigree of M. Brutus however is doubtful. So good a man would not care whether he came from a king-expeller or a bailiff, as the story went.

nusquam] '*usquam* b g, *nusquam* a i t V' (Halm), who has 'usquam.' I don't see the use of 'usquam,' if we are to suppose that Caesar had a 'sepulcrum,' but I can see the propriety of 'nusquam,' since he had none. The altar was pulled down, and the place was paved. We do not read of the altar having been restored.

possem defendere, quae partim jam sunt, partim timeo ne impendeant. Sed hoc ignoscant dii immortales velim et populo Romano, qui id non probat, et huic ordini qui decrevit invitus. Quid, de reliquis rei publicae malis licetne dicere? Mihi vero licet et semper licebit dignitatem tueri, mortem contemnere. Potestas modo veniendi in hunc locum sit; dicendi periculum non recuso. Atque utinam, patres conscripti, Kalendis Sextilibus adesse potuissem, non quo profici potuerit aliquid, sed ne unus modo consularis, quod tum accidit, dignus illo honore, dignus re publica inveniretur. Qua quidem ex re magnum accipio dolorem, homines amplissimis populi Romani beneficiis usos L. Pisonem ducem optimae sententiae non secutos. Idcircone nos populus Romanus consules fecit, ut in altissimo gradu dignitatis locati rem publicam pro nihilo haberemus? Non modo voce nemo L. Pisoni consularis, sed ne vultu quidem assensus est. Quae, malum, est ista voluntaria servitus? Fuerit quaedam necessaria; neque ego hoc ab omnibus iis desidero, qui sententiam consulari loco dicunt. Alia caussa est eorum quorum silentio ignosco, alia eorum quorum vocem requiro; quos quidem doleo in suspicionem populi Romani venire non modo metus, quod ipsum esset turpe, sed alium alia de caussa deesse dignitati suae. VII. Quare primum maximas gratias et habeo et ago [L.] Pisoni, qui non quid efficere posset in re publica cogitavit, sed quid facere ipse deberet; deinde a vobis, patres conscripti, peto ut, etiamsi sequi minus audebitis orationem atque auctoritatem meam, benigne tamen me ut adhuc fecistis audiatis.

Primum igitur acta Caesaris servanda censeo, non quo probem—quis enim id quidem potest?—sed quia rationem habendam maxime arbitror pacis atque otii. Vellem adesset M. Antonius, modo sine advocatis—sed, ut opinor, licet ei minus valere, quod mihi heri per illum non licuit—doceret me vel potius vos, patres conscripti,

quae partim] Visitations, judgments for this unholy SC. His affectation of piety is ludicrous; and the next sentence is almost comic.—'L. Pisonem ducem:' L. Piso was now worthy of the State. He had improved his manners since Cicero abused him (In Pison.).

beneficiis usos] Men whom the P. R. had elected praetors and consuls. These offices were the benefices which the P. R. bestowed.—'assensus est:' accordingly Piso did not appear in the senate on the following day: "Num quis Pisoni est assensus? Num rediit ipse postridie?"

malum] An exclamation or interjection, as in Terence. See Index, Vol. ii. 'Malum.'—'fuerit... necessaria:' 'grant that the servile compliance of some was compulsory,' of those of Antonius' faction.—'consulari loco:' Abrami properly reminds us that all persons were not 'consulares' who gave their opinion 'consulari loco' (Pro Balbo, c. 25, and the note).

non modo metus] V. There is a reading 'non metu,' D i. But the language requires 'modo.'

7. *acta Caesaris*] See Introd.—'sine advocatis:' his 'advocati' or helpers were soldiers. See Index, Vol. i. 'Advocatus.'—'minus valere:' 'he may be somewhat indisposed, though he would not allow me to be so yesterday.' See Introd. and c. 5.

quemadmodum ipse Caesaris acta defenderet. An in commentariolis et chirographis et libellis se uno auctore prolatis, [ac] ne prolatis quidem, sed tantummodo dictis, acta Caesaris firma erunt; quae ille in aes incidit, in quo populi jussa perpetuasque leges esse voluit, pro nihilo habebuntur? Equidem sic existimo, nihil tam esse in actis Caesaris quam leges Caesaris. An si cui quid ille promisit, id erit fixum, quod idem facere non potuit? ut multis multa promissa non fecit. Quae tamen multo plura illo mortuo reperta sunt quam a vivo beneficia per omnes annos tributa et data. Sed ea non muto, non moveo: summo [etiam] studio illius praeclara acta defendo. Pecunia utinam ad Opis maneret, cruenta illa quidem, sed his temporibus, quoniam iis quorum est non redditur, necessaria. Quamquam ea quoque sit effusa, si ita in actis fuit. Ecquid est quod tam proprie dici possit actum ejus, qui togatus in re publica cum potestate imperioque versatus sit, quam lex? Quaere acta Gracchi: leges Semproniae proferentur. Quaere Sullae: Corneliae. Quid, Cn. Pompeii tertius consulatus in quibus actis constitit? nempe in legibus. De Caesare ipso si quaereres, quidnam egisset in urbe et in toga, leges multas responderet se et praeclaras tulisse; chirographa vero aut mutaret aut non daret, aut, si dedisset, non istas res in actis suis duceret. Sed haec ipsa concedo, quibusdam etiam in rebus conniveo, in maximis vero rebus, id est legibus, acta Caesaris dissolvi ferendum non puto. VIII. Quae lex melior, utilior, optima etiam re publica saepius flagitata, quam ne praetoriae provinciae plus quam annum neve

chirographis] See Verr. ii. 1, c. 36, and the note. Antonius did not produce the Dictator's papers. The senate was to believe that there was in them what he said that there was: they were to believe on his assertion (se auctore).—'in aes incidit:' those 'acta' which were Leges, and cut on bronze tablets (In Cat. iii. c. 8).

promissa non fecit] Halm quotes Ad Att. xiv. 10, 1: "Hoc meus et tuus Brutus egit . . . ut omnia facta, scripta, dicta, promissa, cogitata Caesaris plus valerent quam si ipse viveret?"

ad Opis] 'aedem:' see Introd. The temple of Ops, the goddess of fruitfulness, was on the Capitol, on the side towards the Forum. Cicero means that this money came from the confiscation of the property of the Pompeian faction, and therefore he calls it 'cruenta,' as in Phil. ii. c. 37 he calls it 'funesta.' Cicero (Ad Att. xiv. 18) makes a pun on the word 'Ops,' when he is writing (8th May) about Dolabella having received some of this money: "O hominem pudentem! Kal. Jan. debuit, adhuc non solvit, praesertim quum se maximo aere alieno Faberii manu liberavit et opem ab eo petierit."

his temporibus] Comp. Phil. ii. c. 37. In the next year, when the senate was preparing for war against Antonius, the treasury was empty, and extraordinary measures were adopted for raising the supplies (Dion 46, c. 31).

tertius consulatus] In B.C. 52. He means the 'Leges de vi,' under which Milo was tried 'De ambitu.'

8. *ne praetoriae . . . sublata*] He alludes to a Julia Lex de Provinciis. Caesar, who thus limited the duration of provincial governments, knew the danger to the State of allowing a man to be a long time at the head of an army. He knew it from his own experience. Dion (43, c. 25) saw this defect in the Roman usage. See De Lege Agraria i. c. 5, and the note.

plus quam biennium consulares obtinerentur? Hac lege sublata videnturne vobis posse Caesaris acta servari? Quid, lege, quae promulgata est de tertia decuria [judicum], nonne omnes judiciariae leges Caesaris dissolvuntur? Et vos acta Caesaris defenditis qui leges ejus evertitis? nisi forte, si quid memoriae caussa rettulit in libellum, id numerabitur in actis et quamvis iniquum et inutile sit defendetur; quod ad populum centuriatis comitiis tulit, id in actis Caesaris non habebitur. At quae [est] ista tertia decuria? Centurionum, inquit. Quid, isti ordini judicatus lege Julia, etiam ante Pompeia, Aurelia non patebat?—Census praefiniebatur, inquit.—Non centurioni quidem solum, sed equiti etiam Romano. Itaque viri fortissimi atque honestissimi qui ordines duxerunt res et judicant et judicaverunt.—Non quaero, inquit, istos. Quicumque ordinem duxit judicet.—At si ferretis quicumque equo meruisset, quod est lautius, nemini probaretis; in judice enim spectari et fortuna debet et dignitas.—Non quaero, inquit, ista: addo etiam judices manipulares ex legione Alaudarum; aliter enim nostri negant posse se salvos esse.—O contumeliosum honorem iis quos

Cicero is not consistent about the number of years which the Lex of Antonius allowed to provincial governors (Phil. v. c. 3; viii. c. 9).

tertia decuria] The Lex Aurelia, B.C. 70, formed three Decuriae, of Senators, Equites, and Tribuni aerarii respectively, out of which the Judices were taken. Pompeius, in his Lex Judiciaria (B.C. 55), retained the Tribuni aerarii; but there was some property qualification required (census praefiniebatur). Caesar (B.C. 46) put an end to the Decuria of the Tribuni aerarii, but he retained the other two (Sueton. Caesar, c. 41).

qui ordines duxerunt] That is, 'centuriones.' "Qui primum pilum duxerat," Caesar, B. G. v. 35. Caesar says (B. G. v. 30) "primisque ordinibus," and vi. 7, "tribunis militum primisque ordinibus coactis," the tribunes and centurions of the first class. If the 'centuriones' had the Judicatus before the Lex Julia, they must have been included in the Tribuni aerarii.—'equo meruisset:' an Eques, who had a more honourable service than the infantry. Halm observes that if a centurion was made a Tribunus militum, he became of the equestrian ordo. He also refers to Livy 41, c. 12: "militibus denarios quinos vicenos, duplex centurioni, triplex equiti . . . diviserunt."—'lautius:' V. The other reading is 'laudatius' or 'laudacius.' 'Lautius' means more honourable. A Judex should have both property and rank (fortuna et dignitas).

manipulares . . . Alaudarum] The soldiers of the legion of the Alaudae (Phil. v. c. 5). Caesar formed this legion of Transalpine Galli, and gave it a Gallic name, Alaudae (Sueton. Caes. c. 24, and the notes in Burmann's edition). Pliny says (N. H. xi. c. 37): "In capite paucis animalium nec nisi volucribus apices diversi quidem generis . . . praeterea parvae avi, quae ab illo galerita appellata quondam, postea Gallico vocabulo etiam legioni nomen dederat alaudae." It appears that these soldiers were named Alaudae on account of their crests. Perhaps it was a military joke. Alauda is the origin of the French 'alouette,' which now means a lark.—'aliter:' Antonius is supposed to say this for himself and his faction: We cannot be safe unless we have a Decuria of Judices devoted to us, and who must do what they are bid. Caesar made all this legion Roman citizens.

contumeliosum] It was an insult to the soldiers to make them qualified to be Judices in order to do Antonius' dirty work. 'Index' is sometimes the same as 'titulus.' Here he means that the sum total (index) of the Lex means no more than this, 'ut ii res . . . non audeant.' Cicero says that the men will be severe and honest Judices, and labour to show that

ad judicandum nec opinantes vocatis. Hic enim est legis index, ut ii res in tertia decuria judicent, qui libere judicare non audeant. In quo quantus est error, dii immortales, eorum qui istam legem excogitaverunt. Ut enim quisque sordidissimus videbitur, ita libentissime severitate judicandi sordes suas eluet, laborabitque ut honestis decuriis potius dignus videatur quam in turpem jure conjectus. IX. Altera promulgata lex est ut et de vi et majestatis damnati ad populum provocent, si velint. Haec utrum tandem lex est an legum omnium dissolutio? Quis est enim hodie cujus intersit istam legem manere? Nemo reus est legibus illis; nemo quem futurum putemus: armis enim gesta numquam profecto in judicium vocabuntur. At res popularis. Utinam quidem aliquid velletis esse populare; omnes enim jam cives de rei publicae salute una et mente et voce consentiunt. Quae est igitur ista cupiditas legis ejus ferendae quae turpitudinem summam habeat, gratiam nullam? Quid enim turpius quam qui majestatem populi Romani per vim minuerit, eum damnatum judicio ad eam ipsam vim reverti, propter quam sit jure damnatus. Sed quid plura de lege disputo? quasi vero id agatur ut quisquam provocet. Id agitur, id fertur, ne quis omnino umquam istis legibus reus fiat. Quis enim aut accusator tam amens reperietur qui reo condemnato objicere se multitudini conductae velit, aut judex, qui reum damnare audeat, ut ipse ad operas mercenarias statim protrahatur? Non igitur provocatio ista lege datur, sed duae maxime salutares leges quaestionesque tolluntur. Quid est aliud hortari adolescentes

they are worthy of an honourable Decuria, and that they have not deserved to be pitched (conjectus) into a bad one. He says 'conjectus,' as we would speak of a man who is 'in vincula conjectus,' and the like.

9. *majestatis*] Halm. V. has 'majestates.' The other reading is 'de majestate.' See further in this chapter. There was no 'provocatio ad populum' from a judgment pronounced in a 'quaestio perpetua.' See JUDICIA, Vol. i.

legem manere] 'manere' cannot be right, because Cicero says that this Lex was only 'promulgata,' not 'lata;' nor is there any sense in the other reading, 'legem venire' (Ferrarius).—'legibus illis:' Halm and V. The common reading is 'istis legibus,' which expression is properly used a little further on in this chapter.—'At res popularis:' 'but you will say, it is a popular measure.'

ad eam ipsam vim] The technical meaning of Vis has been explained before (Index, Vol. ii.). Cicero's argument is put in a form which the ancient orators often used. A man who was convicted in a Quaestio of impairing the Majestas of the Roman State by using Vis, recurs (revertitur) to the very same Vis, when he appeals to the Populus against the judgment of the court. Manutius says: 'how does he recur to Vis?' he recurs rather to the Majestas of the Roman people, for impairing which he was condemned. Accordingly I think that *vim* is superfluous (abundare). But Cicero chooses to call it Vis; and that is the explanation.

conductae] A prosecutor would not venture in the appeal to maintain the judgment pronounced against the accused. The court would be a venal crowd.—'operas mercenarias' means the same thing. I don't know how a Judex, who had condemned a man, ran a risk of being dragged before a hired rabble.

ut turbulenti, ut seditiosi, ut perniciosi cives velint esse? Quam autem ad pestem furor tribunicius impelli non poterit his duabus quaestionibus de vi et majestatis sublatis? Quid, quod obrogatur legibus Caesaris, quae jubent ei qui de vi, itemque ei qui majestatis damnatus sit, aqua et igni interdici? Quibus quum provocatio datur, nonne acta Caesaris rescinduntur? Quae quidem ego, patres conscripti, qui illa numquam probavi, tamen ita conservanda concordiae caussa arbitratus sum, ut non modo quas vivus Caesar leges tulisset infirmandas hoc tempore non putarem, sed ne illas quidem, quas post mortem Caesaris prolatas esse et fixas videtis.

X. De exsilio reducti a mortuo; civitas data non solum singulis, sed nationibus et provinciis universis a mortuo; immunitatibus infinitis sublata vectigalia a mortuo. Ergo haec uno verum optimo auctore domo prolata defendimus; eas leges quas ipse nobis inspectantibus recitavit, pronuntiavit, tulit, quibus latis gloriabatur, iisque legibus rem publicam contineri putabat, de provinciis, de judiciis, eas, inquam, Caesaris leges nos qui defendimus acta Caesaris evertendas putabimus? Ac de his tamen legibus quae promulgatae sunt saltem queri possumus: de iis quae jam latae dicuntur ne illud quidem licuit. Illae enim sine ulla promulgatione latae sunt ante quam scriptae. Quaero autem quid sit, cur aut ego aut quisquam vestrum, patres conscripti, bonis tribunis plebis leges malas metuat. Paratos habemus qui intercedant; paratos qui rem publicam religione defendant; vacui metu esse debemus. —Quas tu mihi, inquit, intercessiones, quas religiones?—Eas scilicet quibus rei publicae salus continetur.—Negligimus ista, et nimis

obrogatur] A portion of Caesar's Leges was changed: "Lex aut rogatur, id est, fertur; aut abrogatur, id est, prior lex tollitur; aut derogatur, id est, pars prima tollitur; aut subrogatur, id est, adicitur aliquid primae legi; aut obrogatur, id est, mutatur aliquid ex prima lege" (Ulpian. Tit. § 3). 'Pars prima' is explained "*pars*, i. e. partim *prima* lex *tollitur*" (ed. Böcking).

10. *De exsilio*] See the Introd. He means Sex. Clodius and others.—'nationibus:' the Sicilians, for instance (Ad Att. xiv. 12).—'recitavit:' it was the practice for a 'praeco' to read the proposed Lex or Rogatio.—'rem publicam contineri:' a usual expression, which means 'by which the condition of the State was fixed or determined' (Halm). Comp. Pro Marcello, c. 7, "qui non intelligat tua salute contineri suam." After having said 'quibus latis,' he says 'iisque,' not 'quibusque.' This change from the relative to the direct form occurs in Greek writers also. We may learn something of the use of language from the Greek and Latin. This form of expression is generally better in our language than the repetition of the relative after 'and.'

de his tamen] V, a, g, i. The other reading is 'iis.' "Illud verum est de legibus, de quibus nunc ipsum Cicero agit et quae adhuc promulgatae sunt, contrariae illae legibus jam latis" (Halm).

ante quam scriptae] Comp. Phil. v. c. 3 (Halm).—'religione:' by the 'obnuntiatio.' See Pro Sestio, c. 15, and the note; and Phil. ii. c. 32.—'nimis antiqua:' old fashioned, out of use. So the Romans said 'homines antiqui' (Pro Sex. Roscio, c. 9, and the note), and the Greeks ἀρχαῖοι.

antiqua et stulta ducimus: forum sepietur; omnes claudentur aditus; armati in praesidiis multis locis collocabuntur.—Quid tum? Quod erit ita gestum, id lex erit, et in aes incidi jubebitis, credo, illa legitima: CONSULES POPULUM JURE ROGAVERUNT—hoccine a majoribus accepimus jus rogandi?—POPULUSQUE JURE SCIVIT. Qui populus? isne qui exclusus est? quo jure? an eo quod vi et armis omne sublatum est? Atque ego haec dico de futuris; quod est amicorum ante dicere ea quae vitari possint; quae si facta non erunt, refelletur oratio mea. Loquor de legibus promulgatis, de quibus est integrum vobis. Demonstro vitia: tollite. Denuntio vim, arma: removete.

XI. Irasci quidem vos mihi, Dolabella, pro re publica dicenti non oportebit. Quamquam te quidem id facturum non arbitror—novi [enim] facilitatem tuam—collegam tuum aiunt in hac sua fortuna, quae bona ipsi videtur—mihi, ne gravius quippiam dicam, avorum et avunculi sui consulatum si imitaretur, fortunatior videretur;—sed eum iracundum audio esse factum. Video autem quam sit odiosum habere iratum eundem et armatum, quum tanta praesertim gladiorum sit impunitas; sed proponam jus, ut opinor, aequum, quod M. Antonium non arbitror repudiaturum. Ego si quid in vitam ejus aut in mores cum contumelia dixero, quo minus mihi inimicissimus sit non recusabo: sin consuetudinem meam, quam in re publica semper habui, tenuero, id est, si libere quae sentiam de re publica dixero, primum deprecor, ne irascatur;

CONSULES, &c.] This was the formula: T. QVINTIVS. CRISPINVS. COS. POPVLVM. IVRE. ROGAVIT. POPVLVSQVE. IVRE. SCIVIT. IN. FORO. PRO. ROSTRIS. (Frontinus, De Aquaeduct. Lib. ii.).—'hoccine,' &c.: is this your way of doing the matter, by stopping the approaches to the Forum (forum sepietur), to prevent any person coming who might put his veto on the proceedings, and by posting armed men?—'de futuris:' he speaks not of the laws which have been enacted, but of those which have only been promulgated, which they (the senate) have still the power of dealing with as they might choose (de quibus est integrum vobis).

amicorum] 'augurum' i. Ferrarius could not understand either word, and thought that 'quod est . . . possint' was an interpolation; but there is no difficulty. Halm remarks that 'Irasci quidem' at the beginning of the next chapter is opposed to 'quod est amicorum.'—'Denuntio vim: arma removete:' Muretus and Faernus. The pointing in the text is better. Lambinus says that it is his, and that P. Victorius attributed it to another. He has a long querulous note on it, after his fashion.

11. *oportebit*] '*oportebat*, V. solus' (Halm).—'avorum:' his paternal grandfather M. Antonius, the orator, consul B.C. 99; his maternal grandfather L. Julius Caesar, consul B.C. 90. Both perished in the Marian conscriptions (De Or. iii. c. 3), and the avunculus (mother's brother) is L. Julius Caesar, consul B.C. 64, the year before Cicero (Abrami).

jus . . . aequum] 'fair terms.' Afterwards he says 'postulatio; for 'postulare' is the word when it is a matter of 'jus;' 'petere,' when it is a 'precatio;' and 'poscere' when it is a command. See 'Jus postulabas,' Phil. ii. c. 29; Index, Vol. i. 'Postulare.'—'armis utatur:' he had armed men at his command. Appian (B. C. iii. 13) speaks of his employing soldiers against the followers of the false Marius; and he adds that the senate immediately after allowed him to form a guard for himself of veterans (c. 5).

deinde, si hoc non impetro, peto ut sic irascatur ut civi. Armis utatur, si ita necesse est, ut dicit, sui defendendi caussa: iis qui pro re publica quae ipsis visa erunt dixerint ista arma ne noceant. Quid hac postulatione dici potest aequius? Quod si, ut mihi a quibusdam ejus familiaribus dictum est, omnis eum quae habetur contra voluntatem ejus oratio graviter offendit, etiamsi nulla inest contumelia, feremus amici naturam. Sed iidem illi ita mecum loquuntur: Non idem tibi adversario Caesaris licebit quod Pisoni socero—et simul admonent quiddam quod cavebimus—Nec erit justior in senatum non veniendi morbi caussa quam mortis. XII. Sed per deos immortales, te enim intuens, Dolabella, qui es mihi carissimus, non possum utriusque vestrum errorem reticere. Credo enim vos nobiles homines magna quaedam spectantes non pecuniam, ut quidam nimis creduli suspicantur, quae semper ab amplissimo quoque clarissimoque contempta est, non opes violentas et populo Romano minime ferendam potentiam, sed caritatem civium et gloriam concupivisse. Est autem gloria laus recte factorum magnorumque in rem publicam meritorum, quae quum optimi cujusque, tum etiam multitudinis testimonio comprobatur. Dicerem, Dolabella, qui recte factorum fructus esset, nisi te praeter ceteros paullisper esse expertum viderem. Quem potes recordari in vita illuxisse tibi diem laetiorem quam quum expiato foro, dissipato concursu impiorum, principibus sceleris poena affectis, [urbe incendii et caedis metu liberata] te domum recepisti? Cujus ordinis, cujus generis, cujus denique fortunae studia tum laudi et gratulationi tuae se non obtulerunt? Quin mihi etiam, quo auctore te in his rebus uti arbitrabantur, et gratias boni viri agebant et tuo nomine gratulabantur. Recordare, quaeso, Dolabella, consensum illum theatri, quum omnes earum rerum obliti,

feremus amici naturam] 'we will bear with his humour like friends' (Halm).—'quod cavebimus:' they had warned him against Antonius' designs. Halm, following Aubertus, supposes that the words 'nec erit . . . mortis' are also the words of the friends. In some editions after 'justior' there is 'patres conscripti,' the authority for which I do not know. In 'morbi' and 'mortis' there is an alliteration, as Klotz observes.

§ 12. *qui es mihi carissimus*] "in V. m. 2 suppleta sunt."—'nimis creduli:' 'jocus est,' says Manutius. Cicero (Ad Att. xvi. 15) says that Dolabella was 'emptus pecunia.'—'Est autem gloria:' compare Pro Marcello, c. 8: "Gloria est illustris ac pervagata," &c.

expiato foro] When he cleared away the rabble, and pulled down the columna. See Introd.; and the letter of congratulation to Dolabella (Ad Div. ix. 14). Everybody that Cicero met congratulated him and thanked him: "Negant enim se dubitare quin tu meis praeceptis et consiliis obtemperans praestantissimum te civem et singularem consulem praebeas." We have two copies of this letter. The other is in an epistle to Atticus (xiv. 17, A).

theatri] Compare Pro Sestio, c. 54, and the notes.—'earum rerum:' during his tribunate (see Introd.). Dion (42, c. 29—33) describes this turbulent time at Rome

propter quas fuerant tibi offensi, significarent se beneficio novo memoriam veteris doloris abjecisse. Hanc tu, Dolabella, magno loquor cum dolore, hanc tu, inquam, potuisse animo aequo tantam dignitatem deponere? XIII. Tu autem, M. Antoni, absentem enim appello, unum illum diem, quo in aede Telluris senatus fuit, non omnibus his mensibus, quibus te quidam multum a me dissentientes beatum putant, anteponis? Quae fuit oratio de concordia, quanto metu veterani, quanta sollicitudine civitas tum a te liberata est, quum collegam tuum depositis inimicitiis, oblitus auspiciorum a te ipso augure populi Romani nuntiatorum, illo primum die collegam tibi esse voluisti, tuus parvus filius in Capitolium a te missus pacis obses fuit. Quo senatus die laetior? quo populus Romanus? qui quidem nulla in contione umquam frequentior fuit. Tum denique liberati per viros fortissimos videbamur, quia ut illi voluerant libertatem pax sequebatur. Proximo, altero, tertio, denique reliquis consecutis diebus, non intermittebas quasi donum aliquod quotidie afferre rei publicae, maximum autem illud, quod dictaturae nomen sustulisti. Haec inusta est a te, a te, inquam, mortuo Caesari nota ad ignominiam sempiternam. Ut enim propter unius M. Manlii scelus decreto gentis Manliae neminem patricium M. Manlium vocari licet, sic tu propter unius dictatoris odium nomen dictatoris funditus sustulisti. Num te, quum haec pro salute rei publicae tanta gessisses, fortunae tuae, num amplitudinis, num claritatis, [num gloriae] poenitebat? Unde igitur subito tanta ista mutatio? Non possum adduci ut suspicer te pecunia captum: licet quod cuique libet loquatur, credere non est necesse; nihil enim umquam in te sordidum, nihil humile cognovi. Quamquam

during Caesar's absence. Cicero (Ad Att. xi. 12, 14, and 15) expresses his dissatisfaction with the proceedings of his son-in-law Dolabella in his tribunate.—'significarent:' V, t, i. Halm. The other reading 'significarunt' may be preferred by some: it would mark the time 'when.'

13. *in aede Telluris*] See Introd., and Phil. i. c. 1.—'omnibus his:' '*his* mei' (Halm). The other reading, and the wrong reading is 'iis.' 'His' is required, for he means all the months from the 17th of March to the present time. Compare Caesar, B. G. iii. 17, "his paucis diebus;" Cicero, De Sen. c. 14; Phil. ii. c. 1, "his viginti annis;" and Verr. ii. 4, c. 18, on the expression 'paucis illis diebus.'—'veterani:' codd. Halm, but in his edition of Orelli's Cicero he writes 'veterum malorum.' The critics have proposed various changes. Graevius would make 'veterani' the genitive singular, in this sense: "quanto metu veteranorum est liberata civitas." But it is the nominative plural. The 'veterani' were afraid of losing what had been given them (see the Introd.).

collegam . . . auspiciorum] See Introd. p. 452, and Phil. ii. c. 32.—'in contione:' in which Cicero spoke to the people on that day (Introd.).—'proximo:' the 18th; 'altero,' the 19th. He says nothing of the stormy day of Caesar's interment.

M. Manlii] He who had defended the Capitol against the Galli, and afterwards was put to death on a charge of aiming at royal power (Pro Sulla, c. 9, and the note). There were plebeian Manlii. The same thing was done in the case of Antonius after the battle of Actium (Dion 51, c. 19).

sordidum] Antonius was profuse in

solent domestici depravare nonnumquam, sed novi firmitatem tuam. Atque utinam ut culpam, sic etiam suspicionem vitare potuisses. XIV. Illud magis vereor ne ignorans verum iter gloriae gloriosum putes plus te unum posse quam omnes et metui a civibus tuis [quam diligi malis]. Quod si ita putas, totam ignoras viam gloriae. Carum esse civem, bene de re publica mereri, laudari, coli, diligi, gloriosum est: metui vero et in odio esse invidiosum, detestabile, imbecillum, caducum. Quod videmus etiam in fabula illi ipsi qui

Oderint, dum metuant,

dixerit, perniciosum fuisse. Utinam, Antoni, avum tuum meminisses, de quo tamen multa audisti ex me eaque saepissime. Putasne illum immortalitatem mereri voluisse ut propter armorum habendorum licentiam metueretur? Illa erat vita, illa secunda fortuna, libertate esse parem [cum] ceteris, principem dignitate. Itaque ut omittam res avi tui prosperas, acerbissimum ejus diem supremum malim quam L. Cinnae dominatum, a quo ille crudelissime est interfectus.

Sed quid oratione te flectam? Si enim exitus C. Caesaris efficere [hoc] non potest ut malis carus esse quam metui, nihil cujusquam proficiet nec valebit oratio. Quem qui beatum fuisse putant, miseri ipsi sunt. Beatus est nemo qui ea lege vivit ut non modo impune, sed etiam cum summa interfectoris gloria interfici possit. Quare flecte te, quaeso, et majores tuos respice atque ita guberna rem publicam, ut natum esse te cives tui gaudeant, sine quo nec beatus nec clarus [nec unctus] quisquam esse omnino potest.

spending, but greedy in the getting, which is a common thing. Cicero changes his note in the next oration.—'domestici:' an allusion to his wife Fulvia. Compare Phil. v. c. 4.

14. [*quam diligi malis*]] These words are in i, D. Halm omits them, and also V. They are perhaps an addition, as Muretus observes, for 'et metui' depends on 'gloriosum putes.'—'in fabula:' Atreus said this in the Atreus of Attius. Atreus perished by the hand of Aegisthus, the son of his brother Thyestes.

de quo tamen] 'Tamen' has reference to what is implied in 'utinam . . . meminisses,' 'you have forgotten, though (tamen) you have heard much about him from me.' Antonius might have heard this from Cicero's mouth, and have read it in his De Oratore and the Brutus, if Antonius ever did read.—'eaque:' V. has 'aque;' in other MSS. it is omitted. The correction is due to Guido Lolgius (Faernus).

Putasne . . . mereri &c.] 'Do you think he would have chosen to accept immortality (immortal glory), if the price were the fear of his fellow citizens by reason of his licence to have arms?' See Verr. ii. 4, c. 60, and the note on 'mereri.'

Illa erat vita] 'That was real living.' Halm mentions a proposal to write 'illi,' which is quite without reason.—'Cinnae dominatum:' Tacitus (Ann. i. 1) says "non Cinnae, non Sullae longa dominatio." C. Marius is said to have ordered the execution of the orator; but it was all one. Cinna and Marius were consuls in B.C. 86, and in B.C. 87 they had entered Rome as if it were a city taken by storm. The orator had a triumph in B.C. 102 for his victories over the pirates during his proconsulship of Cilicia (B.C. 104). He also commanded in the Marsic war.

[*nec unctus*]] V. Muretus altered it to 'nec tutus.' Deycks proposes 'nec sanctus' (Halm).

XV. Populi quidem Romani judicia multa ambo habetis, quibus vos non satis moveri permoleste fero. Quid enim gladiatoribus clamores innumerabilium civium, quid populi versus, quid Pompeii statuae plausus infiniti? quid duobus tribunis plebis, qui vobis adversantur? parumne haec significant incredibiliter consentientem populi Romani universi voluntatem? Quid, Apollinarium ludorum plausus, vel testimonia potius et judicia populi Romani parum magna vobis videbantur? O beatos illos qui, quum adesse ipsis propter vim armorum non licebat, aderant tamen et in medullis populi Romani ac visceribus haerebant. Nisi forte Accio tum plaudi et sexagesimo post anno palmam dari non Bruto putabatis, qui ludis suis ita caruit ut in illo apparatissimo spectaculo studium populus Romanus tribueret absenti, desiderium liberatoris sui perpetuo plausu et clamore leniret.

Equidem is sum qui istos plausus, quum popularibus civibus tribuerentur, semper contempserim; idemque quum a summis, mediis, infimis, quum denique ab universis hoc idem fit, quumque ii qui ante sequi populi consensum solebant fugiunt, non plausum illum, sed judicium puto. Sin haec leviora vobis videntur, quae sunt gravissima, num etiam hoc contemnitis quod sensistis, tam caram populo Romano vitam A. Hirtii fuisse? Satis erat enim probatum illum esse populo Romano, ut est, jucundum amicis, in quo vincit omnes, carum suis, quibus est ipse carissimus; tantam tamen sollicitudinem bonorum, tantum timorem omnium in quo meminimus? Certe in nullo.

15. *gladiatoribus*] 'at the gladiators' fights.' The 'populi versus' are popular verses, satirical lines on Antonius, or it may be verses in praise of the murderers, as Halm suggests.—'duobus tribunis:' as Faernus interprets the reading 'u. T. R. P.' in V., 'u' representing either 'ii' or 'II.' Ferrarius and Muretus read 'iis tribunis,' and that may be right; for 'a' has 'his.' Abrami supposes that Ti. Canutius was one of the tribunes, for Velleius (ii. 64) says that he was lacerating Antonius with canine madness at the time during which Cicero was making his harangues against Antonius. Halm suggests that the other was L. Cassius, the brother of C. Cassius (see Phil. iii. c. 9; Ad Div. xii. 2).

Apollinarium] See Introd. The Tereus of Attius or Accius was acted at these Ludi (Ad Att. xvi. 2 and 5). Here we are told that the people showed the greatest affection for these absent heroes, who absent were present, and as he says with exceedingly bad taste, 'were firmly fixed in the marrow and the bowels of the Roman people.' We must conclude from this, if it were true, that the popular opinion was with the liberators, but there is no evidence of that in the letter to Atticus in which Cicero speaks of the Ludi (xvi. 2).

popularibus] V. D. 'a popularibus' i, and many editions have the 'a.' Abrami proposed to omit it. Cicero means 'applause given to Populares,' the meaning of which word has been explained (Index, Vol. i. 'Populares').—'quumque ii . . . fugiunt:' the Populares again. This applause at the Apollinares meant something at a time when those who used to seek for it now avoid it, for fear of hearing the expression of popular disapprobation; or hearing it given to the honest, as Manutius says.

vitam A. Hirtii] One of the consuls of B.C. 43. His health was bad, and this caused anxiety (Phil. vii. c. 4).

Quid igitur hoc vos, per deos immortales, quale sit non interpretamini? Quid, eos de vestra vita cogitare non censetis, quibus eorum, quos sperant rei publicae consulturos, vita tam cara sit? Cepi fructum, patres conscripti, reversionis meae, quoniam et ea dixi, ut, quicumque casus consecutus esset, exstaret constantiae meae testimonium, et sum a vobis benigne ac diligenter auditus. Quae potestas si mihi saepius sine meo vestroque periculo fiet, utar: si minus, quantum potero, non tam mihi me quam rei publicae reservabo. Mihi fere satis est quod vixi vel ad aetatem vel ad gloriam: huc si quid accesserit, non tam mihi quam vobis reique publicae accesserit.

non interpretamini] Addressed to Antonius and Dolabella: 'Don't you see what this means?'—'non censetis:' V. 'What? don't you suppose that people think about your way of living, when they hold so dear the lives of those whom they expect to do service to the State?' This means: 'When the people show their affection to Hirtius, don't you see that they express their aversion to you?'

INTRODUCTION TO THE SECOND PHILIPPIC.

Cicero's first Philippic was delivered on the 2nd of September (Introd. to the Phils.); and it broke off all hopes of a reconciliation between him and Antonius, who retired to his villa at Tibur to prepare an answer. On the 19th of September he appeared in the senate and replied to Cicero, who was not present, as he tells us (Phil. iii. c. 13; v. c. 7; Ad Div. xii. 2). This second Philippic however is written as if it were an answer to Antonius, and delivered on the 19th of September. But it was only a written speech, and it was not published. Some critics have supposed that Cicero alludes to this oration Ad Att. xv. 13: "orationem tibi misi. Ejus custodiendae et proferendae arbitrium tuum. Sed quando illum diem, quum tu edendum putes?" But this letter was written before the first Philippic was delivered, and the oration to which he alludes is one which Atticus wished him to write on the same subject as Brutus' Capitoline speech (Ad Att. xv. 3 and 4). The following words allude to this oration (Ad Att. xvi. 11): "Atque utinam illum diem videam quum ista oratio ita libere vagetur ut etiam in Siccae domum introeat," and there are other allusions in it.

Cicero in the first part of this oration answers the charges of Antonius, and then (c. 18) he begins his attack, which is a review of all the life of Antonius, a piece of abuse which it would be hard to match, and Antonius could not forgive it, whether it was true or false. I do not know if there is any evidence that Antonius ever saw this speech, but he may have had a copy sent him by some kind friend. It is generally assumed that this oration was the cause of Cicero being included in the proscription of the next year (B.C. 43); but there was ground enough in his other Philippics and his conduct in the senate for Antonius getting rid of him. Octavianus Caesar too, who had flattered and deceived Cicero for a time, had the Dictator's death to revenge; and it is no wonder if he would not spare a man who was his great uncle's bitterest enemy, and an obstacle to his own ambitious designs.

There is no great difficulty in this oration. It contains many allusions to the events which preceded and followed Caesar's death, but the general Introduction and the notes are sufficient to make it easily understood.

ORATIONUM PHILIPPICARUM

LIBER SECUNDUS.

I. Quonam meo fato, patres conscripti, fieri dicam, ut nemo his annis viginti rei publicae fuerit hostis, qui non bellum eodem tempore mihi quoque indixerit? Nec vero necesse est a me quemquam nominari: vobiscum ipsi recordamini. Mihi poenarum illi plus quam optarem dederunt; te miror, Antoni, quorum facta imitere, eorum exitus non perhorrescere. Atque hoc in aliis minus mirabar. Nemo enim illorum inimicus mihi fuit voluntarius: omnes a me rei publicae caussa lacessiti. Tu ne verbo quidem violatus ut audacior quam [L.] Catilina, furiosior quam [P.] Clodius viderere, ultro me maledictis lacessisti, tuamque a me alienationem commendationem tibi ad impios cives fore putavisti. Quid putem? contemptumne me? Non video nec in vita nec in gratia nec in rebus gestis nec in hac mea mediocritate ingenii, quid despicere possit Antonius. An in senatu facillime de me detrahi posse credidit? qui ordo clarissimis civibus bene gestae rei publicae testimonium multis, mihi uni conservatae dedit. An decertare mecum voluit contentione dicendi? Hoc quidem est beneficium. Quid enim plenius, quid uberius, quam mihi et pro me et contra Antonium dicere? Illud profecto [est]: non existimavit sui similibus probari posse se esse hostem patriae, nisi mihi esset inimicus. Cui prius quam de ceteris

1. *his annis*] See Phil. i. c. 13; ii. c. 46; and xii. c. 10. Twenty years, if we reckon from B.C. 63 included, to B.C. 44 included, which mode of reckoning was usual (In Cat. i. c. 2, and the note).—'illi:' Catilina and his crew, and P. Clodius.—'optarem:' Madvig would accept Heumann's suggestion, 'optaram' (Halm); which would spoil the meaning. Halm compares Pro Sestio, c. 38, "paullo citius quam vellem."

Tu ne &c.] 'You without even having the provocation of words for showing yourself (viderere) more audacious than Catilina, &c., have attacked me with abuse.'

uni conservatae] As he often says, for fear it should be forgotten (Phil. xiv. c. 8, and elsewhere).—'Illud profecto [est]:' V. omits '[est].' If we omit it 'illud' depends on 'voluit,' as Halm says.

rebus respondeo, de amicitia, quam a me violatam esse criminatus est, quod ego gravissimum crimen judico, pauca dicam.

II. Contra rem suam me nescio quando venisse questus est. An ego non venirem contra alienum pro familiari et necessario [meo]? non venirem contra gratiam, non virtutis spe, sed aetatis flore collectam? non venirem contra injuriam, quam iste intercessoris iniquissimi beneficio obtinuit, non jure praetorio? Sed hoc idcirco commemoratum a te puto, ut te infimo ordini commendares, quum omnes recordarentur libertini generum, et liberos tuos nepotes Q. Fadii libertini hominis fuisse. At enim te in disciplinam meam tradideras, nam ita dixisti; domum meam ventitaras. Ne tu, si id fecisses, melius famae, melius pudicitiae tuae consuluisses. Sed neque fecisti, nec si cuperes tibi id per C. Curionem facere licuisset. Auguratus petitionem mihi te concessisse dixisti. O incredibilem audaciam, o impudentiam praedicandam! Quo enim tempore me augurem a toto collegio expetitum Cn. Pompeius et Q. Hortensius nominaverunt, neque enim licebat a pluribus nominari, tu nec solvendo eras, nec te ullo modo nisi eversa re publica fore incolumem putabas. Poteras autem eo tempore auguratum petere, quum in Italia Curio non esset? aut tum, quum es factus, unam tribum sine Curione ferre potuisses? cujus etiam familiares de vi condemnati sunt, quod tui nimis studiosi fuissent. III. At beneficio sum tuo usus. Quo? quamquam illud ipsum, quod comme-

2. *Contra . . . venisse*] Cicero had opposed Antonius in some matter or suit in which Antonius was interested (contra rem suam), but not directly. 'Contra aliquem venire' means to oppose another, in a matter which directly concerns a man; and it is sometimes used absolutely (Verr. ii. 2, c. 43, and the note). Nothing is known of the matter to which Cicero alludes. The 'familiaris' is supposed to be Sicca (Ad Att. xvi. 11, § 1).—'aetatis flore:' a foul allusion.

injuriam . . . obtinuit] 'Iste' is Antonius, who got (obtinuit) something which he was not entitled to, something which was a wrong to the other side, and with the help of an 'intercessor,' which may mean a tribune.

infimo ordini] Libertini, for they were called an Ordo, like the Scribae (Verr. ii. 3, c. 79).—'omnes te:' Halm.

liberos . . . Fadii] See Introd.—'At enim:' he mentions another charge or complaint of Antonius, who said that he had been a hearer of Cicero, had frequented his house, to learn from him; after Roman fashion (Pro Caelio, c. 4, and the note).

C. Curionem] See Introd. and c. 18.—'augurem:' Cicero was elected in B.C. 53, in place of M. Crassus. See De Leg. Agr. ii. c. 7, and the note; and Phil. xiii. c. 5. In the speech which Dion (46, c. 22) makes Calenus deliver against Cicero, it is said that Cicero was indebted to Antonius for his augurship; but this fustian oration is no authority for any thing.—'incolumem:' 'get out of debt.' See Pro Sestio, c. 8, and the note.

Curio] He was Quaestor or Proquaestor in Asia, and there are letters of Cicero to him written at that time (Ad Div. lib. ii. 1—6).

sine Curione] See Introd. Curio was tr. pl. in B.C. 50. There is a letter of Cicero to Curio, in which he congratulates Curio on his election (Ad Div. ii. 7). There is a passage in the Gallic War (B. G. viii. 50) about Antonius' augurship (B.C. 50).—'cujus etiam' &c.: this is evidence of his assertion: some of the intimates of Curio were tried De vi, for violent proceedings at the election.

moras, semper prae me tuli. Malui me tibi debere confiteri quam cuiquam minus prudenti non satis gratus videri. Sed quo beneficio? Quod me Brundisii non occideris? Quem ipse victor, qui tibi, ut tute gloriari solebas, detulerat ex latronibus suis principatum, salvum esse voluisset, in Italiam ire jussisset, eum tu occideres? Fac potuisse. Quod est aliud, patres conscripti, beneficium latronum, nisi ut commemorare possint iis se dedisse vitam, quibus non ademerint? Quod si esset beneficium, numquam [ii] qui illum interfecerunt, a quo erant conservati, quos tu ipse clarissimos viros soles appellare, tantam essent gloriam consecuti. Quale autem beneficium est quod te abstinueris nefario scelere? Qua in re non tam jucundum mihi videri debuit non interfectum a te quam miserum te id impune facere potuisse. Sed sit beneficium, quandoquidem majus accipi a latrone nullum potuit: in quo potes me dicere ingratum? An de interitu rei publicae queri non debui ne in te ingratus viderer? At in illa querela misera quidem et luctuosa, sed mihi pro hoc gradu, in quo me senatus populusque Romanus collocavit, necessaria, quid est dictum a me cum contumelia, quid non moderate, quid non amice? Quod quidem cujus temperantiae fuit de M. Antonio querentem, abstinere maledicto, praesertim quum tu reliquias rei publicae dissipavisses, quum domi tuae turpissimo mercatu omnia essent venalia, quum leges eas quae numquam promulgatae essent et de te et a te latas confiterere, quum auspicia augur, intercessionem consul sustulisses, quum esses foedis-

3. *cuiquam minus prudenti*] He would rather admit his obligation than seem ungrateful to any man, who was not a man of good judgment; for a man of good judgment would not think that Cicero owed any obligation to Antonius for not killing him.—'Brundisii:' Introd. to the Philippicae.—'principatum:' Antonius had the charge of Italy after the battle of Pharsalus (Introd.).—'in Italiam ire jussisset:' see Ad Att. xi. 7.

beneficium . . . conservati] If it is a service done to a man when a robber spares his life, then those who had been pardoned by Caesar and afterwards killed him would not have got such glory by the deed. He admits that Caesar spared M. Brutus and Cassius after the battle of Pharsalus, but it was only the act of a robber who spares his prisoner. When we compare with this miserable apology what Cicero had said to Caesar in his speeches Pro Ligario and Pro Deiotaro, we find no words strong enough to express the man's meanness.

Suetonius (Caesar, c. 84, quoted by Halm) says that at Caesar's funeral verses were sung from Pacuvius' Armorum Judicium to excite pity and indignation against his murderers; one of the verses was:

"Men' me servasse ut essent qui me perderent."

non interfectum a te] Halm, following Madvig, inserts 'me' after 'interfectum.'—'moderate . . . amice:' he alludes to the first Philippic.—'reliquias:' Phil. i. c. 7, and the Introd.—'domi tuae:' see Phil. ii. c. 36, 37.

de te et a te] This was against the Lex Licinia et Aebutia, as Abrami remarks, who refers to the De Lege Agrar. ii. c. 8. Antonius had appointed himself and others Septemviri for the assignment of lands. See also as to this Lex the oration de Imp. Cn. Pomp. c. 19, and the note.—'auspicia augur:' Phil. v. c. 3; and as to 'intercessionem,' which alludes to the Tribuni pl., see also Phil. v. c. 4, "tribunosque pl. propulsari videres."

sime stipatus armatis, quum omnes impuritates pudica in domo quotidie susciperes vino lustrisque confectus? At ego, tamquam mihi cum M. Crasso contentio esset, quocum multae et magnae fuerunt, non cum uno gladiatore nequissimo, de re publica graviter querens de homine nihil dixi. Itaque hodie perficiam ut intelligat quantum a me beneficium tum acceperit. IV. At etiam litteras, quas me sibi misisse diceret, recitavit homo et humanitatis expers et vitae communis ignarus. Quis enim umquam, qui paullum modo bonorum consuetudinem nosset, litteras ad se ab amico missas offensione aliqua interposita in medium protulit palamque recitavit? Quid est aliud tollere e vita vitae societatem, tollere amicorum colloquia absentium? Quam multa joca solent esse in epistolis, quae prolata si sint inepta videantur, quam multa seria neque tamen ullo modo divulganda. Sit hoc inhumanitatis [tuae]: stultitiam incredibilem videte. Quid habes quod mihi opponas, homo diserte, ut Tironi et Mustelae jam esse videris? qui quum hoc ipso tempore stent cum gladiis in conspectu senatus, ego quoque te disertum putabo, si ostenderis quomodo sis eos inter sicarios defensurus. Sed quid opponas tandem, si negem me umquam ad te istas litteras misisse? Quo me teste convincas? An chirographo? in quo habes scientiam quaestuosam. Qui possis? sunt enim librarii manu. Jam invideo magistro tuo qui te tanta mercede quantam jam proferam

pudica] 'impudica' V. Nonius, Halm. If 'pudica' is right, Cicero means Pompeius' house, which Antonius got possession of (Introd.).—'M. Crasso:' the man who perished in Mesopotamia B.C. 53, with his noble son Publius, once one of Caesar's Legati in Gallia.—'tam magnae,' Halm.

4. *litteras ad se*] This is the letter which Antonius wrote to Cicero about the recall of Sex. Clodius. The letter and Cicero's answer are preserved (Ad Att. xiv. 13, A, B). The rule which Cicero here lays down is the rule of men of sense and of gentlemen. They do not publish either conversation or letters, even if a former intimacy has been broken. The only case in which this may be done is where one of the parties has first transgressed the rule; but even then a wise man only does it in self-defence ('At ego tuas litteras, etsi jure,' &c.). It is a betrayal of confidence whether a man reports a conversation, or letters, which are the conversation of the absent ('amicorum colloquia absentium'),

ὅστις λόγους γὰρ παρακαταθήκην ὡς λαβὼν
ἐξεῖπεν, ἄδικός ἐστιν ἢ ἀκρατὴς ἄγαν,

as Anaxandrides says.

inhumanitatis] Halm (ed. Orelli) has 'tuae' after 'inhumanitatis,' but V. omits 'tuae.'

Tironi] See Phil. xiii. c. 2. These were Antonius' crew, fellows of mean condition, and as bad as himself.—'cum gladiis:' see Phil. ii. c. 44.—'inter sicarios:' "i. e. in judicio inter sicarios" (Halm). See the Introd. to the oration Pro Sex. Roscio, Vol. ii.

chirographo] His hand-writing. Cicero sometimes in his letters speaks of employing the hand of a clerk or secretary (librarius). The 'scientia quaestuosa' is explained c. 14.—'magistro:' Sex. Clodius Siculus (c. 17) the Rhetor, not the man of all work of P. Clodius. Suetonius (De Claris Rhetoribus) has a notice of Sex. Clodius e Sicilia.—'docuit:' 'doceat' V. Halm. Faernus thought that 'doceat' was perhaps the better reading, because Antonius still practised declamation under Sex. Clodius. Suetonius at least says, "Marcum Antonium, item Augustum ne Mutinensi quidem bello omisisse (declamandi consuetudinem)."

nihil sapere docuit. Quid enim est minus, non dico oratoris, sed hominis, quam id objicere adversario, quod ille si verbo negarit, longius progredi non possit qui objecerit? At ego non nego, teque in isto ipso convinco non inhumanitatis solum, sed etiam amentiae. Quod enim verbum in istis litteris est non plenum humanitatis, officii, benevolentiae? Omne autem crimen tuum est, quod de te in his litteris non male existimem, quod scribam tamquam ad civem, tamquam ad bonum virum, non tamquam ad sceleratum et latronem. At ego tuas litteras, etsi jure poteram a te lacessitus, tamen non proferam; quibus petis ut tibi per me liceat quendam de exsilio reducere, adjurasque id te invito me non esse facturum, idque a me impetras. Quid enim me interponerem audaciae tuae, quam neque auctoritas hujus ordinis neque existimatio populi Romani neque leges ullae possent coercere? Verumtamen quid erat quod me rogares, si erat is de quo rogabas Caesaris lege reductus? Sed videlicet meam gratiam voluit esse, in quo ne ipsius quidem ulla esse poterat lege lata.

V. Sed quum mihi, patres conscripti, et pro me aliquid, et in M. Antonium multa dicenda sint, alterum peto a vobis, ut me pro me dicentem benigne, alterum ipse efficiam, ut contra illum quum dicam attente audiatis. Simul illud oro: si meam quum in omni vita, tum in dicendo moderationem modestiamque cognostis, ne me hodie, quum isti ut provocavit respondero, oblitum esse putetis mei. Non tractabo ut consulem: ne ille quidem me ut consularem. Etsi ille nullo modo consul, vel quod ita vivit, vel quod ita rem publicam gerit, vel quod ita factus est [consul]: ego sine ulla controversia consularis. Ut igitur intelligeretis qualem ipse se consulem profiteretur, objecit mihi consulatum meum; qui consulatus verbo meus, patres conscripti, re vester fuit. Quid enim ego constitui, quid gessi, quid egi nisi ex hujus ordinis consilio, auctoritate, sententia? Haec tu homo sapiens, non solum eloquens, apud eos quorum consilio sapientiaque gesta sunt ausus es vituperare? Quis autem meum consulatum praeter te Publiumque Clodium qui

Quid enim . . . objecerit?] See Pro Caelio, c. 3, and the note.

Omne autem crimen] 'But all that you can charge me with is that I do not express a bad opinion of you in this letter, that I write as I would to a citizen.' V. has 'scribebam.'—'quendam:' Sex. Clodius, the partizan of P. Clodius. See Phil. i. c. 1.

lege lata] If Sex. Clodius, as Antonius said, was restored by Caesar's Lex, he could not be restored by Cicero's favour, nor yet by Antonius (ne ipsius). Cicero intends to show that if Antonius told the truth about the Lex, all the rest was false.

5. *dicendo moderationem*] He says so, but this speech is not a sample of it, nor his speech In Pisonem.

factus est [*consul*]] See c. 32. There was an election in form, but in fact Caesar made him consul.—'objecit mihi:' see Pro Caelio, c. 2.

vituperaret inventus est? cujus quidem tibi fatum sicuti C. Curioni manet, quoniam id domi tuae est, quod fuit illorum utrique fatale. Non placet M. Antonio consulatus meus. At placuit P. Servilio, ut eum primum nominem ex illius temporis consularibus qui proxime est mortuus: placuit Q. Catulo, cujus semper in hac re publica vivet auctoritas: placuit duobus Lucullis, M. Crasso, Q. Hortensio, C. Curioni, C. Pisoni, M.' Glabrioni, M.' Lepido, L. Volcatio, C. Figulo, D. Silano, L. Murenae, qui tum erant consules designati: placuit idem quod consularibus M. Catoni, qui quum multa vita excedens providit, tum quod te consulem non vidit. Maxime vero consulatum meum Cn. Pompeius probavit, qui ut me primum decedens ex Syria vidit, complexus et gratulans meo beneficio patriam se visurum esse dixit. Sed quid singulos commemoro? frequentissimo senatui sic placuit ut esset nemo qui mihi non ut parenti gratias ageret, qui non mihi vitam suam, fortunas, liberos, rem publicam referret acceptam.

VI. Sed quoniam illis quos nominavi tot et talibus viris res publica orbata est, veniamus ad vivos, qui duo e consularium numero reliqui sunt. L. Cotta, vir summo ingenio summaque prudentia, rebus iis gestis quas tu reprehendis, supplicationem decrevit verbis amplissimis, eique illi ipsi, quos modo nominavi, consulares senatusque cunctus assensus est, qui honos post conditam hanc urbem habitus est togato ante me nemini. L. Caesar, avunculus tuus, qua oratione, qua constantia, qua gravitate sententiam dixit in sororis suae virum, vitricum tuum! Hunc tu quum auctorem et prae-

id domi] His wife Fulvia (Introd.). C. Curio fell in Africa B.C. 49, where he was acting as Caesar's Legatus against P. Attius Varus and Juba (Caesar, B. C. ii. 23 and 42). The common reading is 'domi.' V. has 'domus,' and Klotz has 'domui.' Halm (ed. 1856) has 'domus,' but in his edition of Orelli he has 'domi.' There is a reading 'te manet' and 'Curionem,' but 'tibi manet' may be the right form here, meaning 'is fixed for thee,' which is a common use of 'manere.'

P. Servilio] Isauricus, consul B.C. 79. He died in this year (B.C. 44) at a great age. All the men whom he mentions had been consuls, except M. Cato, who killed himself in Africa, and so escaped the tyranny (B.C. 46). C. Curio is the father of him who had Fulvia to wife. The father was consul B.C. 76. D. Junius Silanus and L. Licinius Murena were Consules designati in B.C. 63, the year of Cicero's consulship. Cicero, in an extant speech Pro Murena, Vol. iii., defended Murena against the charge of Ambitus.

Cn. Pompeius] See In Cat. iv. c. 10, Vol. iii. Pompeius must have said this when he saw Cicero, while he was still 'ad portas' (B.C. 61), and before he entered the city in triumph in the month of September (Halm).

referret acceptam] Halm refers to Cicero's letter (Ad Att. i. 14), in which he speaks of M. Crassus who spoke in these honourable terms of Cicero's consulship.

6. *L. Cotta*] L. Aurelius Cotta (B.C. 65). He and L. Caesar were the only consulares now living of those who were consulares when Cicero was consul. A Supplicatio was made for victories; but this Supplicatio was made in honour of a citizen (togatus) who saved the State (In Cat. iii. c. 6, and the note).

L. Caesar] See Phil. i. c. 11, and the note. He spoke in favour of the punishment of Catilina's associates, one of whom, Lentulus Sura, was his sister's husband (In Cat. iv. c. 6).

ceptorem omnium consiliorum totiusque vitae debuisses habere, vitrici te similem quam avunculi [esse] maluisti. Hujus ego alienus consiliis consul usus sum: tu sororis filius, ecquid ad eum umquam de re publica rettulisti? At ad quos refert? Dii immortales! ad eos scilicet quorum nobis etiam dies natales audiendi sunt. Hodie non descendit Antonius. Cur? Dat natalicia in hortis. Cui? Neminem nominabo. Putate tum Phormioni alicui, tum Gnathoni, tum Ballioni. O foeditatem hominis flagitiosam! o impudentiam, nequitiam, libidinem non ferendam! Tu quum principem senatorem, civem singularem tam propinquum habeas, ad eum de re publica nihil referas; referas ad eos, qui suam rem nullam habent, tuam exhauriunt? VII. Tuus videlicet salutaris consulatus, perniciosus meus. Adeone pudorem cum pudicitia perdidisti, ut hoc in eo templo dicere ausus sis, in quo ego senatum illum, qui quondam florens orbi terrarum praesidebat, consulebam, tu homines perditissimos cum gladiis collocavisti? At etiam ausus es—quid autem est quod tu non audeas?—clivum Capitolinum dicere me consule plenum servorum armatorum fuisse. Ut illa, credo, nefaria senatusconsulta fierent, vim afferebam senatui. O miser, sive illa tibi nota non sunt, nihil enim boni nosti, sive sunt, qui apud tales viros tam impudenter loquare! Quis enim eques Romanus, quis praeter te adolescens nobilis, quis ullius ordinis qui se civem esse meminisset, quum senatus in hoc templo esset, in clivo Capitolino non fuit? quis nomen non dedit? quamquam nec scribae sufficere nec tabulae nomina illorum capere potuerunt. Etenim quum homines nefarii de patriae parricidio confiterentur, consciorum indiciis, sua manu, voce paene litterarum coacti, se urbem inflammare, cives trucidare, vastare Italiam, delere rem publicam consensisse, quis esset qui ad salutem communem defendendam non excitaretur? praesertim quum senatus populusque Romanus haberet ducem, qualis si qui nunc esset, tibi idem quod illis accidit contigisset. Ad sepulturam corpus vitrici sui negat a me datum. Hoc vero ne Publius

alienus] 'though a stranger to his blood,' not a 'propinquus.'—'consul usus sum:' 'consul tum usus sum,' Halm, ed. Orelli.—'ad eum . . . rettulisti:' comp. Pro Deiot. c. 2, and the note. 'Did you ever consult him, ask his advice, or follow his example in matters relating to the State?' He had a set of base fellows about him, whose birth-days he kept, and in such a way that all Rome must know it. V. and Halm have 'nataliciam,' where 'caenam' must be supplied. Phormio and Gnatho are two of Terence's parasites; and Ballio is one of Plautus' dirty fellows. We have had them all before.

7. *clivum Capitolinum*] They were 'equites,' but Antonius is supposed to call them 'servi' (see Vol. iii. p. 11).—'nomen dedit:' 'gave in his name,' as when a 'delectus' was held. 'Nomina dare' is Livy's usual expression in such a case.

confiterentur] See the Introd. to the orations against Catilina, and the third oration.—'ducem:' Cicero himself, as Manutius reminds us.

Ad sepulturam] Plutarch (Antonius, c.

quidem Clodius dixit umquam, quem, quia jure ei inimicus fui, doleo a te omnibus vitiis esse superatum. Qui autem tibi venit in mentem redigere in memoriam nostram te domi P. Lentuli esse educatum? An verebare ne non putaremus natura te potuisse tam improbum evadere, nisi accessisset etiam disciplina? VIII. Tam autem eras excors ut tota in oratione tua tecum ipse pugnares, non modo non cohaerentia inter se diceres, sed maxime disjuncta atque contraria, ut non tanta mecum quanta tibi tecum esset contentio. Vitricum tuum fuisse in tanto scelere fatebare, poena affectum querebare. Ita quod proprie meum est laudasti; quod totum est senatus reprehendisti; nam comprehensio sontium mea, animadversio senatus fuit. Homo disertus non intelligit eum quem contra dicit laudari a se; eos apud quos dicit vituperari. Jam illud cujus est, non dico audaciae, cupit enim se audacem, sed, quod minime vult, stultitiae, qua vincit omnes, clivi Capitolini mentionem facere, quum inter subsellia nostra versentur armati? quum in hac cella Concordiae, o dii immortales, in qua me consule salutares sententiae dictae sunt, quibus ad hanc diem viximus, cum gladiis homines collocati stent? Accusa senatum, accusa equestrem ordinem, qui tum cum senatu copulatus fuit, accusa omnes ordines, omnes cives, dum confiteare hunc ordinem hoc ipso tempore ab Ituraeis circumsederi. Haec tu non propter audaciam dicis tam impudenter, sed quia tantam rerum repugnantiam non videas. Nihil profecto sapis. Quid est enim dementius quam, quum rei publicae perniciosa arma ipse ceperis, objicere alteri salutaria? At etiam quodam loco facetus esse vo-

2; referred to by Abrami) says that Antonius' charge was that the body was not given up until his mother entreated Cicero's wife; and Plutarch adds that it was false, as every body knew, for none of those who were put to death were deprived of interment.

quem, quia . . . superatum] V. has 'eum' after 'vitiis,' and D. has 'jam.' Stürenburg proposes to write 'cui quia jure inimicus fui, doleo a te omnibus vitiis eum,' &c. But no change is necessary.

domi P. Lentuli] See In Cat. iii. c. 2, and the note. Plutarch (Cicero, c. 17) speaks of the man's dissolute life. He set Antonius a bad example.

8. *in hac cella*] See In Cat. iii. c. 3, Vol. iii.—'cum senatu copulatus:' see In Cat. iv. c. 7: "equites Romanos . . . quos ex multorum annorum dissensione hujus ordinis ad societatem concordiamque revocatus hodiernus dies vobiscum atque haec caussa conjungit."—'Ituraei:' a people of Asia between the lake of Tiberias and Damascus. They were archers, and robbed the traders who passed through their country. Ituraea was brought under Roman dominion by Cn. Pompeius. Caesar had Ituraei in his army in his African war (Bell. Afr. c. 20).

sed quia . . . sapis] Halm writes (ed. Orelli): 'sed quia, *qui* . . . non videas, nihil profecto sapis.'—'mima uxore:' Cytheris, but she was not his wife. Cicero (Ad Att. x. 10) says: "hic tamen Cytherida secum lectica aperta portat alteram uxorem." The woman had been the mistress of Volumnius Eutrapelus, and accordingly Cicero also calls her Volumnia (c. 24). Cicero and Atticus dining with Volumnius in B.C. 46, sat down to table with Cytheris. Cicero says that he did not know that she was to be there (Letter to Paetus, Ad Div. ix. 26). Likely enough the woman was lively and witty, and might have taught Antonius something, if he could have learned, as Cicero would say.

luisti. Quam id te, dii boni! non decebat! In quo est tua culpa nonnulla, aliquid enim salis a mima uxore trahere potuisti. CEDANT ARMA TOGAE. Quid, tum nonne cesserunt? At postea tuis armis cessit toga. Quaeramus igitur utrum melius fuerit libertati populi Romani sceleratorum arma an libertatem nostram armis tuis cedere. Nec vero tibi de versibus plura respondebo: tantum dicam breviter te neque illos neque ullas te omnino litteras nosse, me nec rei publicae nec amicis umquam defuisse, et tamen omni genere monumentorum meorum perfecisse [operis subsecivis] ut meae vigiliae meaeque litterae et juventuti utilitatis et nomini Romano laudis aliquid afferrent. Sed haec non hujus temporis: majora videamus.

IX. P. Clodium meo consilio interfectum esse dixisti. Quidnam homines putarent, si tum occisus esset, quum tu illum in foro spectante populo Romano gladio [stricto] insecutus es, negotiumque transegisses, nisi se ille in scalas tabernae librariae conjecisset, iisque oppilatis impetum tuum compressisset? Quod quidem ego favisse me tibi fateor, suasisse ne tu quidem dicis. At Miloni ne favere quidem potui, prius enim rem transegit quam quisquam eum facturum id esse suspicaretur. At ego suasi. Scilicet is animus erat Milonis, ut prodesse rei publicae sine suasore non posset. At laetatus sum. Quid ergo? in tanta laetitia cunctae civitatis me unum tristem esse oportebat? Quamquam de morte P. Clodii fuit quaestio—non satis prudenter illa quidem constituta; quid enim attinebat nova lege quaeri de eo qui hominem occidisset, quum

CEDANT] Part of a verse from Cicero's epic poem 'De temporibus suis' (Ad Div. i. 9, 23). Part of the verse is also quoted in the oration against Piso (c. 30).—'postea:' in the civil war, which Antonius helped to stir up.

monumentorum] His writings. The words 'operis subsecivis' are omitted by Halm, and in V. The expression however is Cicero's, who uses it in the De Legibus and in the De Oratore (ii. c. 89, quoted by Abrami): "quae ego sero, quae cursim arripui, quae subsecivis operis, ut aiunt," from which it seems that it was a common form of expression, and it means such work as a man can do or does at little intervals of leisure, such odd moments as an active man disposes of profitably and people of another kind throw away. The term was used in the Roman land-measuring system, as Ferrarius properly explains it 'ex Angeli Colotii thesauris.' Frontinus (p. 7, ed. Lachmann) explains the word "The Assignatio or Limitatio usually leaves fragments of Centuriae." Such a segment is called 'subsecivum' or 'supcisivum,' so named after the parings or snippings, "quae sector de materia praecidens quasi supervacua abjecit" (Rudorff, Gromatische Institutionen, p. 390).

9. *Quod quidem*] Faernus explains this right: "quod quidem ego fateor favisse me tibi." See Vol. i. Index, 'Quod.'

nova lege] The Lex Pompeia of B.C. 52. See the Introduction to the oration Pro Milone.—'quod igitur nemo:' but he says Pro Milone, c. 18, that it was said at the time: "scitis, judices, fuisse qui in hac rogatione suadenda dicerent, Milonis manu caedem esse factam, consilio vero majoris alicujus. Me videlicet latronem ac sicarium abjecti homines et perditi describebant." Abrami supposes that he is now either lying 'temporis causa,' or he means that he was not mentioned by name at the time of Clodius' death. I take the first explanation.

esset legibus quaestio constituta? quaesitum est tamen:—quod igitur quum res agebatur nemo in me dixit, id tot annis post tu es inventus qui diceres?

Quod vero dicere ausus es idque multis verbis, opera mea Pompeium a Caesaris amicitia esse disjunctum, ob eamque caussam culpa mea civile bellum esse natum, in eo non tu quidem tota re, sed, quod maximum est, temporibus errasti. X. Ego M. Bibulo, praestantissimo cive, consule nihil praetermisi, quantum facere enitique potui, quin Pompeium a Caesaris conjunctione avocarem. In quo Caesar felicior fuit, ipse enim Pompeium a mea familiaritate disjunxit. Postea vero quam se totum Pompeius Caesari tradidit, quid ego illum ab eo distrahere conarer? Stulti erat sperare, suadere impudentis. Duo tamen tempora inciderunt, quibus aliquid contra Caesarem Pompeio suaserim. Ea velim reprehendas, si potes: unum, ne quinquennii imperium Caesari prorogaret; alterum, ne pateretur ferri ut absentis ejus ratio haberetur. Quorum si utrumvis persuasissem, in has miserias numquam incidissemus. Atque idem ego, quum jam omnes opes et suas et populi Romani Pompeius ad Caesarem detulisset, seroque ea sentire coepisset, quae ego multo ante provideram, inferrique patriae bellum viderem nefarium, pacis, concordiae, compositionis auctor esse non destiti, meaque illa vox est nota multis: Utinam, Cn. Pompei, cum C.

10. *M. Bibulo*] He was Caesar's colleague in the consulship B.C. 59, in which year the union between Caesar and Pompeius was completed by Pompeius marrying Caesar's daughter Julia.

quinquennii imperium] A second period of five years. The first Quinquennium was fixed by the Lex Vatinia, the second by the Lex Trebonia, so called because it was proposed by C. Trebonius, who in B.C. 54 was a Legatus of Caesar (B. G. v. 17). The Lex was enacted B.C. 55, in the second consulship of Cn. Pompeius and of M. Crassus. It is called in the eighth book of the Gallic war (c. 53) the Lex of Pompeius and Crassus, because the consuls supported it; and so Cicero speaks as if the extension (prorogatio) of Caesar's imperium was Pompeius' work. But Cicero himself by his speech De Provinciis Consularibus (B.C. 56) may be considered as having helped to prepare the matter.

ut absentis ejus] The passage of Suetonius (Caesar, c. 26) is this: "Interimque consternata P. Clodii caede re publica, quum Senatus unum consulem nominatimque Cn. Pompeium fieri censuisset, egit (Caesar) cum tribunis plebis collegam se Pompeio destinantibus, id potius ad populum ferrent, ut absenti sibi, quandoque imperii tempus expleri coepisset, petitio secundi consulatus daretur, ne ea caussa maturius et imperfecto adhuc bello decederet." The active tr. pl. in this matter was M. Caelius, B.C. 52. But Halm refers to a letter of Cicero, Ad Att. vii. 1. 4, which shows that whatever he may have said to Pompeius, he promised Caesar to help him in this matter: "Nam ut illi hoc liceret (sc. ut Caesar absens consulatum peteret) adjuvi rogatus ab ipso Ravennae de Caelio tribuno pl." See also Ad Div. vi. 6, and Ad Att. viii. 3. Caesar was in Ravenna in the spring of B.C. 52, when he asked Cicero's help in this matter; and one might infer from the words 'rogatus ab ipso Ravennae,' that Cicero was there; but Caesar's request may have been by letter. Caesar did not leave Italy for the campaign of B.C. 52 until after the death of Clodius, and the restoration of quiet in Rome by Cn. Pompeius (B. G. vii. 1 and 6).

provideram] There is a reading 'praevideram.'

Utinam] Cicero's correspondence shows that he never was a friend of Caesar, that

Caesare societatem aut numquam coisses aut numquam diremisses. Fuit alterum gravitatis, alterum prudentiae tuae.—Haec mea, M. Antoni, semper et de Pompeio et de re publica consilia fuerunt, quae si valuissent, res publica staret, tu tuis flagitiis, egestate, infamia concidisses.

XI. Sed haec vetera; illud vero recens, Caesarem meo consilio interfectum. Jam vereor, patres conscripti, ne, quod turpissimum est, praevaricatorem mihi apposuisse videar, qui me non solum meis laudibus ornaret, sed etiam [oneraret] alienis. Quis enim meum in ista societate gloriosissimi facti nomen audivit? Cujus autem qui in eo numero fuisset nomen est occultatum? Occultatum dico? cujus non statim divulgatum? Citius dixerim jactasse se aliquos, ut fuisse in ista societate viderentur, quum socii non fuissent, quam ut quisquam celari vellet qui fuisset. Quam veri simile porro est in tot hominibus, partim obscuris, partim adolescentibus neminem occultantibus, meum nomen latere potuisse? Etenim si auctores ad liberandam patriam desiderarentur illis auctoribus, Brutos ego impellerem, quorum uterque L. Bruti imaginem quotidie videret, alter etiam Ahalae? Hi igitur his majoribus ab alienis potius consilium peterent quam a suis, et foris potius quam domo? Quid, C. Cassius in ea familia natus, quae non modo dominatum, sed ne

he always feared him, and that he saw what he was aiming at. He flattered him when he became powerful, but his real opinions are truly stated in this chapter.

gravitatis] 'Gravitas' means 'firmness of character,' says Halm, and that may be the meaning. Pompeius would have shown more steadiness of purpose, more strength of will, if he had not united himself to Caesar; and more prudence if he had not quarrelled with him. In Phil. xiii. c. 1, the 'gravitas' of Pompeius is opposed to the 'cupiditas' of Caesar.

11. *interfectum*] In a letter to Cassius (Ad Div. xii. 2) Cicero says: "Homo amens et perditus multoque nequior quam ille ipse, quem tu nequissimum occisum esse dixisti, caedis initium quaerit, nullamque aliam ob caussam me auctorem fuisse Caesaris interficiendi criminatur, nisi ut in me veterani incitentur;" and again to Cassius (xii. 3): "Auget tuus amicus furorem indies: primum in statua quam posuit in Rostris, inscripsit Parenti optime merito, ut non modo sicarii sed jam etiam parricidae judicemini, quid dico judicemini? judicemur potius, vestri enim pulcherrimi facti ille furiosus me principem dicit fuisse."

praevaricatorem] See Divin. c. 18, and the note, Vol. i. He means Antonius, whose charge, he says, is such that one might suppose that he and Cicero were colluding.—'jactasse se aliquos:' as C. Octavius and P. Lentulus Spinther, who boasted that they had been in the conspiracy, though perhaps they were not; "but they afterwards paid the penalty of their vanity, for they were put to death by Antonius and the young Caesar" (Plutarch, Caesar, c. 67). Lentulus certainly claimed the credit of being one of the assassins (Ad Div. xii. 14, 6) in a letter to Cicero.—'socii:' 'conscii' V. Halm.

auctoribus] Madvig proposes 'actoribus,' and Ernesti would omit 'illis auctoribus;' but I see no reason for following either proposal.—'L. Bruti imaginem:' the bust of him who expelled the Tarquinii, which Cicero supposes that each of the Bruti, Marcus and Decimus, possessed. M. Brutus' mother Servilia traced her descent from C. Servilius Ahala, who killed Sp. Maelius, B.C. 439. (See In Cat. i. 1, and the note.)

C. Cassius] This is an allusion to the consul Sp. Cassius, the proposer of the first Agraria Lex. He also proposed to return to the people the money which they had paid for some corn imported from

potentiam quidem cujusquam ferre potuit, me auctorem, credo, desideravit; qui etiam sine his clarissimis viris hanc rem in Cilicia ad ostium fluminis Cydni confecisset, si ille ad eam ripam, quam constituerat, non ad contrariam naves appulisset. Cn. Domitium non patris interitus, clarissimi viri, non avunculi mors, non spoliatio dignitatis ad recuperandam libertatem, sed mea auctoritas excitavit? An C. Trebonio ego persuasi? cui ne suadere quidem ausus essem; quo etiam majorem ei res publica gratiam debet, qui libertatem populi Romani unius amicitiae praeposuit, depulsorque dominatus quam particeps esse maluit. An L. Tillius Cimber me est auctorem secutus? quem ego magis fecisse illam rem sum admiratus quam facturum putavi, admiratus autem ob eam caussam, quod immemor beneficiorum, memor patriae fuisset. Quid duos Servilios—Cascas dicam an Ahalas?—et hos auctoritate mea censes excitatos potius quam caritate rei publicae? Longum est persequi ceteros, idque rei publicae praeclarum; fuisse tam multos, ipsis gloriosum.

XII. At quemadmodum me coarguerit homo acutus recordamini. Caesare interfecto, inquit, statim cruentum alte extollens

Sicily, but instead of getting popularity, he was charged with aiming at royal power, and after he laid down his office he was condemned and put to death (Livy ii. c. 41).

in Cilicia] There is no other account of this attempt on the Cydnus. Caesar marched from Egypt into Syria (De Bello Alexandrino, c. 33), and from Syria he went to Tarsus in Cilicia, which is on the river Cydnus (Id. 66, where there is some contradiction). His road from the Cydnus to the table land of Asia was through the gorge in the Taurus on the upper course of the Cydnus. The story in Appian is that when Caesar, after the battle of Pharsalus, was crossing the Hellespont in small boats, he was met by C. Cassius with seventy triremes, who instead of attacking Caesar gave up his fleet and begged for mercy (Appian, B. C. ii. c. 88). Comp. Sueton. Caesar, c. 63; Dion, 42, c. 6. Abrami has made a very absurd attempt to reconcile Cicero and Appian. The two stories are different and inconsistent.

ad eam ripam, quam] Halm observes that the preposition is not repeated with 'quam;' and he compares Ad Att. iii. 19, "me tuae litterae nunquam in tantam spem adduxerunt quantam aliorum;" and other passages.

Cn. Domitius] He was taken by Caesar (B.C. 49) in Corfinium together with his father Lucius, who was Pompeius' Legatus. Caesar set both of them free (B. C. i. 15 and 23). Lucius was in the battle of Pharsalus against Caesar, and after the flight he made his escape to the hills, where he was found and killed by Caesar's cavalry (B. C. iii. c. 99). Lucius married Porcia, sister of M. Cato Uticensis, who was accordingly Cn. Domitius' avunculus.

Cneius the son is here said to have been a conspirator, and Dion (48, c. 7 and 29) says the same. Suetonius (Nero, c. 3) says that he was condemned under the Lex Pedia, though he was innocent, and he fled to Brutus in Macedonia. In B.C. 40 he was reconciled to Antonius, but he left him for the party of Octavianus shortly before the fight at Actium. His son L. Domitius married Antonia Major, by whom he had a son Cn. Domitius, who was the father of the detestable emperor Nero.

Cimber] He was the man who in the senate-house gave the signal for the attack on Caesar, by taking hold of his toga and pulling it down from the neck (Plutarch, Caesar, c. 66).

Servilios] Publius and Caius Servilius Casca, two brothers and assassins. One of them gave Caesar the first blow (Plutarch, Caesar, c. 66). Cicero says, Shall I call them Cascae or Ahalae, worthy imitators of the great Ahala?

Brutus pugionem Ciceronem nominatim exclamavit atque ei recuperatam libertatem est gratulatus. Cur mihi potissimum? quia sciebam? Vide ne illa caussa fuerit appellandi mei, quod, quum rem gessisset consimilem rebus iis quas ipse gesseram, me potissimum testatus est se aemulum mearum laudum exstitisse. Tu autem, omnium stultissime, non intelligis, si id, quod me arguis voluisse interfici Caesarem, crimen sit, etiam laetatum esse morte Caesaris crimen esse? Quid enim interest inter suasorem facti et probatorem, aut quid refert utrum voluerim fieri an gaudeam factum? Ecquis est igitur, exceptis iis qui illum regnare gaudebant, qui illud aut fieri noluerit aut factum improbarit? Omnes ergo in culpa; etenim omnes boni quantum in ipsis fuit Caesarem occiderunt. Aliis consilium, aliis animus, aliis occasio defuit, voluntas nemini. Sed stuporem hominis vel dicam pecudis attendite, sic enim dixit: Brutus, quem ego honoris caussa nomino, cruentum pugionem tenens, Ciceronem exclamavit, ex quo intelligi debet eum conscium fuisse.—Ergo ego sceleratus appellor a te, quem tu suspicatum aliquid suspicaris; ille, qui stillantem prae se pugionem tulit, is a te honoris caussa nominatur? Esto: sit in verbis tuis hic stupor; quanto in rebus sententiisque major. Constitue hoc, consul, aliquando, Brutorum, C. Cassii, Cn. Domitii, C. Trebonii, reliquorum quam velis esse caussam; edormi crapulam, inquam, et exhala. An faces admovendae sunt quae [te] excitent tantae caussae indormientem? Numquamne intelligis statuendum tibi

12. *Ciceronem nominatim*] Calenus, in his speech against Cicero (Dion, 46, c. 22), says: "When the conspirators ran into the Forum with their bare swords, they repeatedly called on Cicero by name, crying out, O Cicero, as I think all of you heard." But this compiler's speech is his own making.

quas ipse gesseram] In his consulship, in the matter of the conspirators. But the likeness is not very striking.—'laudum:' 'laudium,' V. Halm.—'laetatum esse:' he did rejoice, as he often tells us in these orations and in his letters (Introd.).

consilium] 'prudence or skill in contriving.' 'Nemini,' as usual in such sentences comes at the end. Caesar places the word 'nulli' so (B. G. ii. c. 35). 'Stuporem' is 'stupidity.' He calls him 'pecus,' 'beast,' as he calls P. Clodius and others.

honoris caussa] See Phil. i. c. 2, and Index, Vol. ii.

hic stupor] Antonius is represented by Plutarch as a rough soldier, coarse and rather dull. Speaking of his conduct in Asia, Plutarch says (c. 24), "Antonius was ignorant of the greater part of what was going on; and not so much because he was indolent, as because in his simplicity he trusted those about him. For there was in his character simplicity and slow perceptions" (Antonius, c. 24). Plutarch's biography of Antonius is one of the best pictures of character that ever was written.

quam velis esse caussam] 'Bonam an malam' (Manutius).—'crapulam:' Antonius is charged by Cicero with beastly drunkenness. He was a slave to wine and women.—'exhala:' 'exala' V, b, t, Halm. "Romanus A. i. 417 *alant*, *h* a recentiore manu supra scripta. *Anhelum* Vatic. Aen. vi. 48, *halitus* idem Aen. iv. 684. vi. 240" (Wagner).

[*te*]] 'te om. V.' (Halm); and it is perhaps better to omit it. He represents the consul as dead drunk, and asks if nothing short of a blazing light stuck in his face will stir him up.

esse, utrum illi, qui istam rem gesserunt, homicidae sint an vindices libertatis? XIII. Attende enim paullisper, cogitationemque sobrii hominis punctum temporis suscipe. Ego, qui sum illorum, ut ipse fateor, familiaris, ut a te arguor, socius, nego quidquam esse medium: confiteor eos, nisi liberatores populi Romani conservatoresque rei publicae sint, plus quam sicarios, plus quam homicidas, plus etiam quam parricidas esse; siquidem est atrocius patriae parentem quam suum occidere. Tu homo sapiens et considerate, quid dicis? Si parricidas, cur honoris caussa a te sunt et in hoc ordine et apud populum Romanum semper appellati? Cur M. Brutus referente te legibus est solutus, si ab urbe plus quam decem

13. *referente te legibus . . . solutus*] See the Introd. Brutus was Praetor urbanus, and could not legally be absent more than ten days from the city without being released from this legal obligation. See 'legibus solutus' De Imp. Cn. Pomp. c. 21, and the note, Vol. ii.

Abrami pertinently refers to an instructive passage in Asconius, Argum. ad Cornelianam, p. 57, ed. Orelli: "promulgavitque legem, qua auctoritatem senatus minuebat, ne quis nisi per populum legibus solveretur. Quod antiquo quoque jure erat cautum, itaque in omnibus senatus consultis, quibus aliquem legibus solvi placebat, adjici erat solitum, ut de ea re ad populum ferretur; sed paulatim ferri erat desitum, resque jam in eam consuetudinem venerat ut postremo ne adjiceretur quidem in senatus consultis de rogatione ad populum ferenda, eaque ipsa senatusconsulta per paucolos admodum fiebant." A little after he says: "Tum Cornelius ita ferre rursus coepit, ne quis in senatu legibus solveretur, nisi CC adfuissent, neve quis, quum solutus esset, intercederet, quum de ea re ad populum ferretur. Haec sine tumultu res acta est. Nemo enim negare poterat pro auctoritate senatus esse eam legem. Sed tamen eam tulit invitis optimatibus."

'Legibus solutus' is said of a person who is released from the obligation of a single Lex, as in the case of a man being released from the obligation of the Lex Annalis, and in the case of C. Caesar who was released from the obligation of being present in order to be a candidate for a second consulship. Dion (53, c. 17 and 18) speaking of Augustus obtaining a Monarchia has a dissertation on the imperial power, in which he confounds the powers of Augustus with those of the emperors who lived when he wrote. He says, "The Imperatores are released from the Leges (λέλυνται γὰρ δὴ τῶν νόμων), that is, they are free from all legal obligation and bound by no written law." Again, he says (c. 28), that Augustus having promised to give a hundred denarii to each of the citizens, declared that he would not publish the Edictum about this matter "until the senate had released him from all obligation to the laws, in order that, as I have said (c. 18), being in fact absolute and master of himself and of the laws, he might do all that he liked and might not do what he did not like." But here it is plain, that, though Dion uses such general terms, he is speaking of Augustus being released from a special Lex, and released by the vote of the senate. Dion seems to be speaking of the Lex Cincia de muneribus, as Noodt maintains (Opp. T. i. p. 269, quoted by Reimarus). Again (54, c. 10), Dion says that the senate entreated Augustus "to set straight every thing (that he has mentioned), and to propose such laws (νομοθετεῖν) as he pleased." But though he has spoken in such general terms of the imperial power of Augustus, he plainly shows by what he says in particular that the forms of legislation were still preserved.

The S. consultum about Vespasian does not go further than this as to the Princeps being 'legibus solutus:' "Utique quibus legibus plebeive scitis scriptum fuit ne Divus Aug. Tiberiusve Julius Caesar Aug. Tiberiusque Claudius Caesar Aug. Germanicus tenerentur iis legibus plebisque scitis Imp. Caesar Vespasianus solutus sit." The expression 'solutus legibus' therefore under the imperial system has a definite meaning. Ulpian's doctrine 'princeps legibus solutus est' (Dig. 1. 3, 31) is merely an excerpt 'ex libro xiii. ad legem Juliam et Papiam,' and therefore merely means that he was not bound by this Lex, as the rest of the excerpt clearly shows.

dies abfuisset? Cur ludi Apollinares incredibili M. Bruti honore celebrati? Cur provinciae Bruto et Cassio datae? cur quaestores additi? cur legatorum numerus auctus? Atque haec acta per te: non igitur homicidas. Sequitur ut liberatores tuo judicio sint, quandoquidem tertium nihil potest esse. Quid est? num conturbo te? Non enim fortasse satis quae dijunctius dicuntur intelligis. Sed tamen haec summa est conclusionis meae: quoniam scelere a te liberati sunt, ab eodem [te] amplissimis praemiis dignissimos judicatos. Itaque jam retexo orationem meam. Scribam ad illos ut, si qui forte quod a te mihi objectum est quaerent sitne verum, ne cui negent. Etenim vereor ne aut celatum me illis ipsis non honestum, aut invitatum refugisse mihi sit turpissimum. Quae enim res umquam, pro sancte Juppiter, non modo in hac urbe, sed in omnibus terris est gesta major, quae gloriosior, quae commendatior hominum memoriae sempiternae? In hujus me tu consilii societatem tamquam in equum Trojanum cum principibus includis? Non recuso: ago etiam gratias, quoquo animo facis. Tanta enim res est ut invidiam istam, quam tu in me vis concitare, cum laude non comparem. Quid enim beatius illis quos tu expulsos a te praedicas et relegatos? qui locus est aut tam desertus aut tam inhu-

There is no truth in the assertion that the Roman emperors were 'legibus solutus' in the sense that they could do what they liked, though they did many arbitrary and tyrannical acts; and so the kings of England of the family of Tudor and Stewart did. Charles I. tried to do more and did more illegal acts than some of the worst of the Roman emperors.

Apollinares] See the Introd.—'provinciae:' Crete and Cyrene, not the provinces of Macedonia and Syria (Introd.).

dijunctius] V., 'distinctius' D. But 'dijunctius' is the technical word and the true word here. Halm refers to the Topica (c. 14): "'Reliqui dialecticorum modi plures sunt qui ex dijunctionibus constant:' 'Aut hoc aut illud: hoc autem, non igitur illud.' Itemque, 'Aut hoc aut illud: non autem hoc: illud igitur.' Quae conclusiones idcirco ratae sunt, quod in dijunctione plus uno verum esse non potest." In Gellius (v. 11) Favorinus argues that Bias' argument against marriage "non ratum esse neque justum dijunctum esse: quoniam non necessarium est alterum ex duobus quae dijunguntur verum esse: quod in proloquio dijunctivo necessarium est." Bias' argument therefore is bad.

Here it was 'hoc aut illud;' there was no 'tertium.' And if it was not one, it was the other.

retexo] See the beginning of c. 11. 'Retexo' means 'muto.' Abrami quotes Cicero (Ad Div. xi. 28), the letter of Matius to Cicero: "An quod adolescens praestiti, quum etiam errare cum excusatione possem, id nunc aetate praecipitata commutem ac me retexam?"

celatum me illis ipsis] 'that they concealed from me the design against Caesar' (Introd.). D. has 'ab ipsis illis.'—'commendatur:' "quae dignior est cujus memoria semper duret et celebretur" (Graevius).

equum Trojanum] See Index, Vol. iii. —'relegatos:' Pro Sestio, c. 13, and the note.—'immemor posteritas . . . ingratae litterae:' the deed is not forgotten yet, but the opinion of posterity about the assassins is not so favourable as Cicero supposes that it would be. He has his wish: 'in numerum sicariorum ascriptus est.' Göthe has said of Caesar's murder "that it was the silliest thing that ever was done." All generous men hate a tyrant, but they also abhor assassination, particularly when the assassins have courted and flattered the tyrant, and received favours from him. And all men of sense, if they do a deed of assassination, would reckon well what is to be done next in order that the act may not be an absurdity.

manus qui illos, quum accesserint, non affari atque appetere videatur? qui homines tam agrestes qui se, quum eos aspexerint, non maximum cepisse vitae fructum putent? quae vero tam immemor posteritas quae tam ingratae litterae reperientur, quae eorum gloriam non immortalitatis memoria prosequantur? Tu vero ascribe me talem in numerum. XIV. Sed unam rem vereor ne non probes. Si enim fuissem, non solum regem, sed etiam regnum de re publica sustulissem; et, si meus stilus ille fuisset, ut dicitur, mihi crede, non solum unum actum, sed totam fabulam confecissem. Quamquam si interfici Caesarem voluisse crimen est, vide, quaeso, Antoni, quid tibi futurum sit, quem et Narbone hoc consilium cum Trebonio cepisse notissimum est, et ob ejus consilii societatem, quum interficeretur Caesar, tum te a Trebonio vidimus sevocari. Ego autem, vide quam tecum agam non inimice, quod bene cogitasti aliquando, laudo; quod non indicasti, gratias ago; quod non fecisti, ignosco: virum res illa quaerebat. Quod si te in judicium quis adducat usurpetque illud Cassianum, Cui bono fuerit, vide, quaeso ne haereas. Quamquam illud [quidem] fuit, ut tu dicebas, omnibus bono qui servire nolebant, tibi tamen praecipue, qui non modo non servis, sed etiam regnas, qui maximo te aere alieno ad aedem Opis liberavisti, qui per easdem tabulas innumerabilem pecuniam dissipavisti, ad quem e domo Caesaris tam multa delata sunt, cujus domi quaestuosissima est falsorum commentariorum et chirographorum officina, agrorum, oppidorum, immunitatum, vectigalium flagitiosissimae nundinae. Etenim quae res egestati et aeri alieno tuo praeter mortem Caesaris subvenire potuisset? Nescio quid conturbatus esse videris. Numquid subtimes ne ad te hoc crimen pertinere videatur? Libero te metu: nemo credet umquam: non est tuum de re publica bene mereri: habet istius pulcherrimi facti clarissimos viros res publica auctores: ego te tantum gaudere dico; fecisse

14. *fuissem*] 'in numero.'—'regnum:' compare the letter to Cassius (Ad Div. xii. 1).—'stilus:' he plays on the word 'stilus,' as Halm remarks, who compares Horace (Sat. ii. 1, v. 39):

> "—— Sed hic stilus haud petet ultro
> Quemquam animantem et me veluti custodiet ensis
> Vagina tectus."

Narbone] When Caesar was in Spain for the last time, Antonius went as far as Narbo in Gallia, but returned. As to Narbo, see Vol. ii. Index. The story is perhaps not true. Plutarch (Antonius, c. 13) tells the same story, but he says nothing that he might not have got from this passage.—'sevocari:' see the Introd.

Cui bono] See Pro Sex. Roscio, c. 30, and the note.—'ne haereas:' see that you do not get into a difficulty, for it is plain that Caesar's death was a great profit to you.

ad aedem Opis] See Introd. 'Easdem tabulas' refers to the Tabulae in the temple of Ops (c. 37).—'domi:' D. has 'domus.'—'nundinae:' the 'nundinae' was a day for business, for buying and selling; and so 'nundinae' here means 'traffic.' He says elsewhere: "una in domo omnes . . . totum imperium populi Romani nundinabantur."

non arguo. Respondi maximis criminibus: nunc etiam reliquis respondendum est.

XV. Castra mihi Pompeii atque illud omne tempus objecisti. Quo quidem tempore si, ut dixi, meum consilium auctoritasque valuisset, tu hodie egeres, nos liberi essemus, res publica non tot duces et exercitus amisisset. Fateor enim me, quum ea quae acciderunt providerem futura, tanta in maestitia fuisse, quanta ceteri optimi cives si idem providissent fuissent. Dolebam, dolebam, patres conscripti, rem publicam vestris quondam meisque conservatam consiliis brevi tempore esse perituram. Nec vero eram tam indoctus ignarusque rerum ut frangerer animo propter vitae cupiditatem, quae me manens conficeret angoribus, dimissa molestiis omnibus liberaret. Illos ego praestantissimos viros, lumina rei publicae, vivere volebam, tot consulares, tot praetorios, tot honestissimos senatores, omnem praeterea florem nobilitatis ac juventutis, tum optimorum civium exercitus, qui si viverent, quamvis iniqua conditione pacis,—mihi enim omnis pax cum civibus bello civili utilior videbatur,—rem publicam hodie teneremus. Quae sententia si valuisset, ac non ii maxime mihi, quorum ego vitae consulebam, spe victoriae elati obstitissent, ut alia omittam, tu certe numquam in hoc ordine vel potius in hac urbe mansisses. At vero Cn. Pompeii voluntatem a me abalienabat oratio mea. An ille quemquam plus dilexit, cum ullo aut sermones aut consilia contulit saepius? quod quidem erat magnum, de summa re publica dissentientes in eadem consuetudine amicitiae permanere. Ego quid ille, et contra ille quid ego sentirem et spectarem videbat. Ego incolumitati civium primum, ut postea dignitati possemus, ille praesenti dignitati potius consulebat. Quod autem habebat uterque quid sequeretur, idcirco tolerabilior erat nostra dissensio. Quid vero ille singularis vir ac paene divinus de me senserit, sciunt qui eum de Pharsalia fuga Paphum persecuti sunt. Numquam ab eo mentio de me nisi honorifica, nisi plena amicissimi desiderii, quum me vidisse plus fateretur, se speravisse meliora. Et ejus viri nomine me insectari

15. *Castra mihi*] When he went to join Pompeius in Epirus.

At vero] Another charge of Antonius, touching Cn. Pompeius' disposition to Cicero.

dignitati possemus] D. omits 'possemus.'—'Pharsalia:' V, b. The MSS. have both forms of the adjective, 'Pharsalicus' and 'Pharsalius.' Pompeius called at Mitylene in Lesbos on his way to Egypt to take in his wife Cornelia, who was in that island, and he also called at Cyprus (Plutarch, Pompeius, c. 77), and at the town of Paphos, as Cicero says here, and Valerius Maximus (i. 5, 6). The two Lentuli and Favonius accompanied Pompeius in his flight from the battle of Pharsalus (Pomp. c. 73).

vidisse plus] Foresaw better what would happen.

insectari . . . sectorem] He makes a play on the words. Antonius bought some

audes, cujus me amicum, te sectorem esse fateare? XVI. Sed omittatur bellum illud, in quo tu nimium felix fuisti. Ne jocis quidem respondebo, quibus me in castris usum esse dixisti. Erant quidem illa castra plena curae; verumtamen homines, quamvis in turbidis rebus sint, tamen, si modo homines sunt, interdum animis relaxantur. Quod autem idem maestitiam meam reprehendit, idem jocum, magno argumento est me in utroque fuisse moderatum.

Hereditates mihi negasti venire. Utinam hoc tuum verum crimen esset! plures amici mei et necessarii viverent. Sed qui istuc tibi venit in mentem? Ego enim amplius sestertium ducenties acceptum hereditatibus rettuli. Quamquam in hoc genere fateor feliciorem esse te. Me nemo nisi amicus fecit heredem, ut cum illo commodo, si quod erat, animi quidam dolor jungeretur; te is, quem tu vidisti numquam, L. Rubrius Casinas fecit heredem. Et quidem vide quam te amarit is qui albus aterne fuerit ignoras. Fratris filium praeteriit; Q. Fufii, honestissimi equitis Romani suique amantissimi, quem palam heredem semper factitarat, ne nominat quidem; te, quem numquam viderat aut certe numquam salutaverat, fecit heredem. Velim mihi dicas, nisi molestum est, L. Turselius qua facie fuerit, qua statura, quo municipio, qua tribu. 'Nihil scio,' inquis, 'nisi quae praedia habuerit.' Igitur fratrem exheredans te faciebat heredem. In multas praeterea pecunias alienissimorum hominum, vi ejectis veris heredibus, tamquam heres esset, invasit. Quamquam hoc maxime admiratus sum, mentionem te

of Pompeius' property. As to 'sector' see Pro Sex. Roscio, c. 29, and the note.

16. *Ne jocis*] 'Ne de jocis,' Wesenberg, Halm; and the preposition is wanted. Plutarch (Cicero, c. 38) speaks of Cicero joking in Pompeius' camp, and reports several of his sayings. If this was all that he had to say, it would have been better to stay away. Macrobius (Sat. ii. c. 3) reports some of these jokes. One of them is good. Pompeius asked Cicero where his son-in-law Dolabella was, and Cicero replied, with your father-in-law.

Hereditates] 'Hereditatem' Halm. The meaning of this charge is that Cicero was not respected or loved by any of his friends who had died. A testamentary gift was honourable to a man, and to be entirely passed over by his friends was a mark of disrespect. Cyrus, the architect, left Cicero part of his estate; and other testamentary gifts to Cicero are mentioned, as, for instance, that of Diodotus (Ad Att. ii. 20).

sestertium ducenties] 'Acceptum rettuli,' I have entered in my books as received, in my 'tabulae' or 'codices accepti et expensi' (Index Vol. i. 'Acceptum'). The neuter 'acceptum' refers to the whole sum as a unit.

Casinas] Of Casinum. Madvig "*fecit heredem* uncis inclusit" (Halm); which Halm prudently does not follow.

fuerit] V. D., 'ignoras' D. Halm. '*ignorans* V. sine puncto.' The common reading is 'albus aterne fueris ignorans fratris filium,' &c.—'albus aterne:' this is as much as to say a person of whom we know nothing. Abrami refers to Catullus (93):

"Nil nimium studeo, Caesar, tibi velle placere,
Nec scire utrum sis albus an ater homo."

Turselius] Some other man whom Antonius had never seen, and yet he had got the man's property, by force, as Cicero says. 'Faciebat,' as Halm remarks, means that 'he had a mind to make you his Heres,' as you say now that you have forcibly got possession. 'Exheredans,' Index, Vol. ii.

hereditatum ausum esse facere, quum ipse hereditatem patris non adisses.

XVII. Haec ut colligeres, homo amentissime, tot dies in aliena villa declamasti? quamquam tu quidem, ut tui familiarissimi dictitant, vini exhalandi, non ingenii acuendi caussa declamitas. At vero adhibes joci caussa magistrum, suffragio tuo et compotorum tuorum rhetorem, cui concessisti ut in te quae vellet diceret, salsum omnino hominem, sed materia facilis est in te et in tuos dicta dicere. Vide autem quid intersit inter te et avum tuum. Ille sensim dicebat quod caussae prodesset; tu cursim dicis aliena. At quanta merces rhetori data est! Audite, audite, patres conscripti, et cognoscite rei publicae vulnera. Duo millia jugerum campi Leontini Sex. Clodio rhetori assignasti, et quidem immunia, ut populi Romani tanta mercede nihil sapere disceres. Num etiam hoc,

hereditatem . . . adisses] He had not taken possession of the Hereditas of his father, which may have happened because his father exheredated (disinherited) him, as Halm supposes. But it is more likely that Cicero means that the succession was so encumbered with debt that Antonius did not take possession; for if he had done so, he would have had to pay the debts. The Praetor could in such case allow permission not to take possession, and then the property would be sold to pay the debts, as far as it would go. In the time of Gaius this was the rule: "Sui et necessarii heredes"—a description which comprehends sons and daughters and a son's descendants, if they were all in the power of the deceased at his death,—were Heredes whether they chose or not, and whether they were Heredes by testament or by intestacy; and this was the reason why they were called 'necessarii:' "Sed his Praetor permittit abstinere se ab hereditate ut potius parentis bona veneant." 'Hereditatem adire' was the technical term used to express the taking possession of a succession (Gaius ii. 167).

17. *aliena villa*] In the villa that had belonged to Scipio, the father of Cn. Pompeius' last wife, Cornelia (Phil. v. c. 7). Cicero speaks of Antonius' preparation for his speech in a letter to Cassius (Ad Div. xii. 2), "quum in villa Metelli complures dies commentatus esset." Metellus is P. Cornelius Scipio, who was adopted by Q. Caecilius Metellus, and took the name of Q. Caecilius Metellus Pius Scipio. He was consul B.C. 52 with Cn. Pompeius.—'ingenii acuendi:' 'ingeniendi' V. Halm suggests that the true reading may be 'ingenii exercendi.' — 'declamitas:' 'declamas' V. Halm.

magistrum] Sex. Clodius Siculus the rhetorician.—'dicta:' 'sharp things, abuse,' as practice for Antonius to reply to. Suetonius calls Clodius 'dicax.' 'Dictum dicere' is one of Cicero's expressions. See Pro P. Quintio, c. 3, and the note on 'dicax,' Vol. ii. Suetonius in his notice of Sex. Clodius (De Illust. Rhet. 5), quotes 'Adhibes joci . . . dicta dicere;' but he has 'concessisti ut in quem vellet diceret.'

avum] The great orator M. Antonius, who spoke 'sensim,' 'cautiously,' 'circumspectly.' Antonius in Cicero De Oratore (ii. c. 72) explains the method of his art. He was the first of all advocates. "Ego, mehercule, Antoni, semper is fui qui de te sic praedicarem, unum te in dicendo mihi videri tectissimum, propriumque hoc esse laudis tuae nihil a te unquam esse dictum quod obesset ei pro quo diceres" (De Or. ii. c. 73). Cicero says of Antonius in the Brutus, c. 37: "Omnia veniebant Antonio in mentem, eaque suo quaeque loco, ubi plurimum proficere et valere possent, ut ab imperatore equites, pedites, levis armatura, sic ab illo in maxime opportunis orationis partibus collocabantur."

At quanta . . . disceres] Quoted by Suetonius, but he has 'audite' only once, and omits 'populi Romani:' The Campus Leontinus was a fertile tract in Sicily, which was the native island of Clodius (see Vol. i. Index, 'Leontinus Campus'). Clodius was to have his land free from all payments to the Roman state (immunia). See Verr. ii. 3, c. 6, and the note. The 'populus Romanus' paid for Antonius' rhetorical lessons, but he was too stupid to learn.

homo audacissime, ex Caesaris commentariis? Sed dicam alio loco et de Leontino agro et de Campano, quos iste agros ereptos rei publicae turpissimis possessoribus inquinavit. Jam enim, quoniam criminibus ejus satis respondi, de ipso emendatore et correctore nostro quaedam dicenda sunt. Nec enim omnia effundam, ut, si saepius decertandum sit, ut erit, semper novus veniam; quam facultatem mihi multitudo istius vitiorum peccatorumque largitur.

XVIII. Visne igitur te inspiciamus a puero? Sic opinor. A principio ordiamur. Tenesne memoria praetextatum te decoxisse? Patris, inquies, ista culpa est. Concedo; etenim est pietatis plena defensio. Illud tamen audaciae tuae, quod sedisti in quattuordecim ordinibus, quum esset lege Roscia decoctoribus certus locus constitutus, quamvis quis fortunae vitio, non suo decoxisset. Sumpsisti virilem quam statim muliebrem togam reddidisti. Primo vulgare scortum: certa flagitii merces nec ea parva; sed cito Curio intervenit, qui te a meretricio quaestu abduxit, et, tamquam stolam dedisset, in matrimonio stabili et certo locavit. Nemo umquam puer emptus libidinis caussa tam fuit in domini potestate quam tu in Curionis. Quoties te pater ejus domo sua ejecit, quoties custodes posuit ne limen intrares, quum tu tamen nocte socia, hortante libidine, cogente mercede, per tegulas demitterere. Quae flagitia domus illa diutius ferre non potuit. Scisne me de rebus mihi notissimis dicere? Recordare tempus illud quum pater Curio maerens jacebat in lecto; filius se ad pedes meos prosternens lacrimans te mihi commendabat; orabat ut se contra suum patrem si sestertium sexagies peteret defenderem; tantum enim se pro te intercessisse dicebat. Ipse autem amore ardens confirmabat, quod desiderium

emendatore et correctore] The man who would lesson and school me.

18. *praetextatum*] Before he assumed the 'toga virilis,' and still wore the 'praetexta.'—'decoxisse:' 'wasted all your substance.' See In Cat. ii. c. 3, and the note. The Lex Roscia of the tribune L. Roscius Otho (B.C. 67) assigned the fourteen nearest seats to the orchestra to the Roman Equites. (Pro Murena, c. 19.)

"Sedilibusque magnus in primis eques
Othone contempto sedet."
(Hor. Epod. 4.)

muliebrem] Meretrices and Libertinae wore the 'toga.' Matronae wore the 'stola.'

"—— quid inter
Est in matrona, ancilla peccesve togata."
(Hor. Sat. i. 2, v. 62.)

Curio] C. Scribonius Curio. See the Introd.—'domo:' 'domu' V. Halm.—'per tegulas:' down through the 'impluvium,' perhaps.

"Anguis per impluvium decidit de tegulis."
(Ter. Phorm. iv. 4, 46.)

'Demitterere' is Ferrarius' emendation for 'dimitterere.'

se contra] V. Halm, 'te contra' D.—'peteret:' "ipse a patre pro Antonio" (Halm).—'intercessisse:' it is said he had become security (fidejussor) to the amount of 'sexagies' for Antonius. 'Intercedere' is a word that Cicero uses in this sense, as (Ad Att. vi. 1, § 5) "intercessisse se pro iis magnam pecuniam."

tui discidii ferre non posset, se in exsilium iturum. Quo ego tempore quanta mala florentissimae familiae sedavi vel potius sustuli! Patri persuasi ut aes alienum filii dissolveret, redimeret adolescentem summa spe et animi et ingenii praeditum rei familiaris facultatibus, eumque non modo tua familiaritate, sed etiam congressione, patrio jure et potestate prohiberet. Haec tu quum per me acta meminisses, nisi illis quos videmus gladiis confideres, maledictis me provocare ausus esses? XIX. Sed jam stupra et flagitia omittam; sunt quaedam, quae honeste non possum dicere, tu autem eo liberior, quod ea in te admisisti quae a verecundo inimico audire non posses. Sed reliquum vitae cursum videte, quem quidem celeriter perstringam. Ad haec enim, quae in civili bello, in maximis rei publicae miseriis fecit, et ad ea quae quotidie facit, festinat animus. Quae peto ut, quamquam multo notiora vobis quam mihi sunt, tamen, ut facitis, attente audiatis: debet enim talibus in rebus excitare animos non cognitio solum rerum, sed etiam recordatio: etsi incidamus, opinor, media, ne nimis sero ad extrema veniamus.

Intimus erat in tribunatu Clodio, qui sua erga me beneficia commemorat; ejus omnium incendiorum fax, cujus etiam domi jam tum quiddam molitus est. Quid dicam ipse optime intelligit. Inde iter Alexandriam contra senatus auctoritatem, contra rem publicam et religiones; sed habebat ducem Gabinium, quicum quidvis rectissime facere posset. Qui tum inde reditus aut qualis? prius in ultimam Galliam ex Aegypto quam domum. Quae autem erat domus? Suam enim quisque domum tum obtinebat, nec erat usquam tua.

summa spe] These beginnings did not seem very promising; but in his letters to Curio (Ad Div. ii. 1—7), written in B.C. 53—51, Cicero does express great hopes of this young man.—'quos videmus gladiis:' he writes as if he were speaking while Antonius' armed men were in the temple of Concordia.

19. *incidamus . . . media*] 'let us cut short the story of the middle part of his career.'

"Nec lusisse pudet, sed non incidere ludum." (Hor. Ep. i. 14, v. 36.)

molitus est] Manutius supposes that Cicero means to charge Antonius with attempting to corrupt Clodius' wife Fulvia, who was now Antonius' wife. It is only a guess.—'Alexandriam:' his visit to Egypt with Gabinius, to restore king Ptolemaeus (Introd.; and Index, 'Gabinius').—'in Galliam:' to Caesar (Introd.).

tum obtinebat] 'tum optinebant' V. Every man, except yourself, then held his house in safety. The civil war had not yet come, and confiscation, sales, and plunder.—'Misenum:' some villa, we must suppose, at Misenum, near Baiae, on the coast of Campania.—'Sisaponem:' a town in Hispania Ulterior, in the Conventus of Corduba, now supposed to be Almaden. If this was a well-known expression, that will account for Cicero using it; but to us it is obscure. All we know of Sisapo is that cinnabar was worked there by the Roman Publicani, and that they were charged with adulterating it (Pliny, N. H. xxxiii. c. 7). Cinnabar is a bisulphuret of mercury. The mines of Almaden still produce abundantly. The reader has now the materials for divining the meaning of the passage. In c. 29 he again speaks of Misenum; he says "praeter partem Miseni." He shared Misenum some way with his Socii, as the Socii or company of Publicani shared Sisapo. But the reason for his comparing Misenum and

Domum dico? Quid erat in terris ubi in tuo pedem poneres praeter unum Misenum, quod cum sociis tamquam Sisaponem tenebas? XX. Venisti e Gallia ad quaesturam petendam. Aude dicere te prius ad parentem tuum venisse quam ad me. Acceperam jam ante Caesaris litteras, ut mihi satisfieri paterer a te. Itaque ne loqui quidem sum te passus de gratia. Postea sum cultus a te, tu a me observatus in petitione quaesturae. Quo quidem tempore P. Clodium approbante populo Romano in foro es conatus occidere, quumque eam rem tua sponte conarere, non impulsu meo, tamen ita praedicabas, te non existimare, nisi illum interfecisses, umquam mihi pro tuis in me injuriis satis esse facturum. In quo demiror cur Milonem impulsu meo rem illam egisse dicas, quum te ultro mihi idem illud deferentem numquam sim adhortatus. Quamquam, si in eo perseverares, ad tuam gloriam rem illam referri malebam quam ad meam gratiam. Quaestor es factus: deinde continuo sine senatusconsulto, sine sorte, sine lege ad Caesarem cucurristi; id enim unum in terris egestatis, aeris alieni, nequitiae perditis vitae rationibus perfugium esse ducebas. Ibi te quum et illius largitio-

Sisapo is not clear. Turnebus (Adv. x. c. 12) says that he alludes "Ad miniaria metalla Sisaponensium, quae societates Publicanorum exercebant; dicit enim Antonium non unum possessorem Miseni fuisse, sed possessionis socios habuisse multos." The working of the cinnabar was unwholesome says Pliny: "qui minium in officinis poliunt, faciem laxis vesicis illigant, ne in respirando pernicialem pulverem trahant et tamen ut per illas spectent." Abrami suggests that Antonius' villa was exposed to a horrible and pestilent wind, that is, was mortgaged to his creditors, and he quotes Catullus (xxvi.):

"Furi, villula nostra non ad Austri
Flatus opposita est nec ad Favoni,
Nec saevi Boreae aut Apeliotae,
Verum ad millia quindecim et ducentos,
O ventum horribilem atque pestilentem."

20. *Venisti*] 'Venis' (Halm).—'quaesturam:' see the Introd.—'parentem tuum:' there is also a reading 'patrem tuum.' M. Antonius' father had long been dead, and his step-father Lentulus was strangled in B.C. 63. His mother Julia was alive. George Buchanan proposed to read 'parentem tuam,' or 'matrem tuam.' Frotscher proposes to write 'tum' for 'tuum,' the worst alteration that could be proposed Halm has accepted it. Muretus proposed to read 'amatorem tuum.'

ut mihi satisfieri] The word 'litteras' contains the notion of the request 'that I would allow you to make your apology to me' for the past. 'Accordingly,' says Cicero, 'I did not even let you speak about a reconciliation:' he received Antonius with open arms, for he had Caesar's recommendation.—'observatus:' D., 'ovatus' V.; for which corrupt reading various conjectures have been proposed, 'adjutus,' 'ornatus,' and others. 'Observare,' says Manutius, "means in this passage to help a man in his canvass for office in such ways as it was allowed, by visiting his house, accompanying him abroad, and the like." Manutius shows that 'observare' is sometimes used to express the attention paid by a superior or an elder to an inferior or a younger.

Quamquam, si in eo] Manutius says that the sense requires 'quoniam,' for the reason is given why Cicero did not encourage him. But 'quamquam' means 'anyhow,' 'however:' 'if you had persevered in the matter, I was quite willing that all the credit of it should be yours rather than mine.' The words 'rem illam referri malebam' are omitted in V.

sine sorte] It was all irregular. He should have waited till the Nonae of December to have had his Provincia determined by lot, or he should have been appointed by a vote of the people (lege), or by a Senatusconsultum.

nibus et tuis rapinis explevisses, si hoc est explere quod statim effundas, advolasti egens ad tribunatum, ut in eo magistratu si posses viri tui similis esses.

XXI. Accipite nunc, quaeso, non ea quae ipse in se atque in domesticum dedecus impure et intemperanter, sed quae in nos fortunasque nostras, id est in universam rem publicam, impie ac nefarie fecerit. Ab hujus enim scelere omnium malorum principium natum reperietis. Nam quum L. Lentulo C. Marcello consulibus Kalendis Januar. labentem et prope cadentem rem publicam fulcire cuperetis, ipsique C. Caesari, si sana mente esset, consulere velletis, tum iste venditum atque emancipatum tribunatum consiliis vestris opposuit, cervicesque suas ei subjecit securi, qua multi minoribus in peccatis occiderunt. In te, M. Antoni, id decrevit senatus et quidem incolumis, nondum tot luminibus exstinctis, quod in hostem togatum decerni est solitum more majorum. Et tu apud patres conscriptos contra me dicere ausus es, quum ab hoc ordine ego conservator essem, tu hostis rei publicae judicatus? Commemoratio illius tui sceleris intermissa est, non memoria deleta. Dum genus hominum, dum populi Romani nomen exstabit,—quod quidem erit, si per te licebit, sempiternum,—tua illa pestifera intercessio nominabitur. Quid cupide a senatu, quid temere fiebat, quum tu unus adolescens universum ordinem decernere de salute rei publicae pro-

explere quod statim] After 'explere' Halm places * *, meaning that some verb is omitted. 'Haurire,' 'devorare' have been proposed, which are manifestly absurd, for 'quod statim effundas' expresses that. 'Corripere,' 'referre' have been proposed. But perhaps the text is right.

viri tui] Curio. The orator's abuse is intolerable. We can hardly pity the fate of a man who allowed his tongue such liberty.

21. *dedecus*] 'decus,' Madvig, Halm; 'dedecus,' codd.

Kalendis Januar.] Of B.C. 49, when C. Claudius Marcellus and L. Cornelius Lentulus were consuls, and when C. Curio, Caesar's tool, handed to the senate Caesar's last message. Antonius was then a Tr. pl. (Introd.).—'labentem:' there is a reading 'labantem.'

emancipatum] '*mancipatum* a, ut edidit Faernus.' Halm has 'emancipatum.' But 'mancipatus' is the proper word. Yet Horace (Epod. 9, and Macleane's note) has

"Emancipatus feminae."

subjecit securi] 'subjected himself to that penalty, by which many have perished for a smaller offence.' Antonius did this by his Intercessio as a Tr. pl. Other Tribuni had lost their lives for attempting less.

in hostem togatum] 'against a citizen enemy' by the commission to the consuls "Dent operam ne quid Res Publica detrimenti capiat," by which the consuls received unlimited power to act. Caesar says (B. C. i. c. 5) that this was aimed at the two Tribuni who used their veto: "et de imperio Caesaris et de amplissimis viris tr. plebis gravissime acerbissimeque decernitur. Profugerunt statim ex urbe tribuni plebis seque ad Caesarem conferunt. Is eo tempore erat Ravennae." (Introd.)

adolescens] Halm reminds us that Antonius was then thirty-four years of age. Two Tribuni put their veto on the motion of Metellus, that if Caesar did not disband his army before a certain day, he should be declared an enemy (B. C. i. c. 21). But Cicero alters the historical fact, 'oratorie,' falsely.—'de senatus:' Antonius would not listen to any thing that was said on behalf of the resolution of the senate.

hibuisti? neque [id] semel, sed saepius; neque tu tecum de senatus auctoritate agi passus es. Quid autem agebatur nisi ne deleri et everti rem publicam funditus velles, quum te neque principes civitatis rogando, neque majores natu monendo, neque frequens senatus agendo, de vendita atque addicta sententia movere potuit? Tum illud multis rebus ante tentatis necessario tibi vulnus inflictum, quod paucis ante te, quorum incolumis fuit nemo. Tum contra te dedit arma hic ordo consulibus reliquisque imperiis et potestatibus, quae non effugisses, nisi te ad arma Caesaris contulisses. XXII. Tu, tu, inquam, M. Antoni, princeps C. Caesari omnia perturbare cupienti caussam belli contra patriam inferendi dedisti. Quid enim aliud ille dicebat? quam caussam sui dementissimi consilii et facti afferebat, nisi quod intercessio neglecta, jus tribunicium sublatum, circumscriptus a senatu esset Antonius? Omitto quam haec falsa, quam levia, praesertim quum omnino nulla caussa justa cuiquam esse possit contra patriam arma capiendi. Sed nihil de Caesare: tibi certe confitendum est caussam perniciosissimi belli [in] persona tua constitisse. O miserum te, si haec intelligis, miseriorem, si non intelligis hoc litteris mandari, hoc memoriae prodi, hujus rei ne posteritatem quidem omnium saeculorum umquam immemorem fore, consules ex Italia excussos cumque iis Cn. Pompeium, quod imperii populi Romani decus ac lumen fuit, omnes

funditus velles] 'Velle,' says Abrami, is the usual word in Leges, Scta, and Edicta, as in Macrobius (Sat. ii. c. 6, quoted in Vatin. c. 15, and the note, "ne quis in arenam nisi pomum misisse vellet"); and Gellius (xiii. 14): "Ne quis magistratus minor de caelo servasse velit."

agendo] Halm compares Caesar (B. C. i. c. 2): "refertur confestim de intercessione tribunorum. Dicuntur sententiae graves."—'addicta:' a word used in auctions. See Vol. ii. Index.

quorum incolumis] None of those, he says, had escaped punishment, against whom in times past the senate had armed the consuls with this power. In this case the commission was in more general terms, 'reliquisque imperiis,' &c. Compare Pro Deiot. c. 4, and the note.

22. *circumscriptus*] 'deprived of his power, checked in his exercise of it.' Caesar (B. C. i. c. 32), in his speech at Rome to the senate after Pompeius had left Italy, "Injuriam in eripiendis legionibus praedicat; crudelitatem et insolentiam in circumscribendis tribunis plebis." But Caesar alleged more than Cicero mentions here. See Pro Milone, c. 33, and the note on 'circumscripsisset.' Quintilian (xii. 10), speaking of the painter Parrhasius, says, "Ille vero ita circumscripsit omnia ut eum legum latorem vocent, quia deorum atque heroum effigies quales ab eo sunt traditae, caeteri tamquam ita necesse sit, sequuntur."

quod .... decus] The relative agrees with 'decus,' but refers to 'Pompeium;' a usual Latin form.—'omnes consulares:' see Pro Deiotaro, c. 4, and the note.—'exsequi cladem:' 'all whose health had allowed them to follow in that ruin and flight.' 'Exsequi,' says Abrami, is a word applied to funeral processions, 'exsequiae.' He quotes Cicero: "Miseros nos, cur non omnes fatum illius exsecuti sumus?" He also quotes a passage from Cicero's translation from the Cresphontes of Euripides (Tusc. i. c. 48, ed. Orelli):

τὸν δ' αὖ θανόντα καὶ πόνων πεπαυμένον
χαίροντας, εὐφημοῦντας ἐκπέμπειν δόμων.

"At qui labores morte finisset graves,
Hunc omni amicos laude et laetitia exsequi."

consulares, qui per valetudinem exsequi cladem illam fugamque potuissent, praetores, praetorios, tribunos plebis, magnam partem senatus, omnem sobolem juventutis, unoque verbo rem publicam expulsam atque exterminatam suis sedibus. Ut igitur in seminibus est caussa arborum et stirpium, sic hujus luctuosissimi belli semen tu fuisti. Doletis tres exercitus populi Romani interfectos: interfecit Antonius. Desideratis clarissimos cives: eos quoque nobis eripuit Antonius. Auctoritas hujus ordinis afflicta est: afflixit Antonius. Omnia denique, quae postea vidimus, quid autem mali non vidimus? si recte ratiocinabimur, uni accepta referemus Antonio. Ut Helena Trojanis, sic iste huic rei publicae belli caussa, caussa pestis atque exitii fuit. Reliquae partes tribunatus principio similes. Omnia perfecit, quae senatus salva re publica ne fieri possent perfecerat. Cujus tamen scelus in scelere cognoscite. XXIII. Restituebat multos calamitosos. In his patrui nulla mentio. Si severus, cur non in omnes? Si misericors, cur non in suos? Sed omitto ceteros. Licinium Denticulam de alea condemnatum, collusorem suum, restituit, quasi vero ludere cum condemnato non liceret; sed ut, quod in alea perdiderat, beneficio legis dissolveret. Quam attulisti rationem populo Romano cur eum restitui oporteret? Absentem, credo, in reos relatum, rem indicta caussa judicatam, nullum fuisse de alea lege judicium, vi oppressum et armis; postremo, quod de patruo tuo dicebatur, pecunia judi-

expulsam] The seat of government was removed to Capua, and then to Thessalonica (Halm).—'ut igitur in seminibus:' F. Ursini remarks that this is an imitation of Demosthenes, De Corona, c. 52: *ὁ γὰρ τὸ σπέρμα παρασχὼν, οὗτος τῶν φύντων κακῶν αἴτιος.*—'tres exercitus:' see c. 30.

principio] 'principiis' V b t, 'principii' g, Halm.—'cujus tamen scelus:' 'and yet hear what villainy he committed in his villainy.' He did villainous acts by recalling exiles, and yet he committed another vile act by not recalling his uncle, C. Antonius (c. 33), among them.

23. *In his*] 'in iis,' Halm.—'Denticulam:' V b t. Dion Cassius (45, c. 47) calls him Lenticulus, and says that he was banished for his dissolute life. The Romans had an enactment against games of chance (lex aleatoria); the penalty was 'in quadruplum,' and the consequence of conviction was Infamia, as some say. When Cicero says 'restituit,' he can only mean that Antonius 'restituit in integrum,' as he says afterwards, he restored Denticula to his former condition, he removed the penalty that he was under; and it cannot mean that he was in exile, because he says 'quasi vero . . . non liceret.' Halm remarks that Dion, when he says *τὸν Λεντίκουλον τὸν ἐπὶ τῇ τοῦ βίου ῥᾳδιουργίᾳ φυγόντα ἐπανήγαγε*, has misunderstood this passage of Cicero. This passage of Dion occurs in a long speech (45, c. 18—47), which he puts in Cicero's mouth. The speech, as Halm observes, is patched up out of Cicero's Philippicae, principally out of the second Philippic. Rein (Das Criminalrecht der Römer, p. 833) says that Denticula was exiled, not for gaming, but for *ῥᾳδιουργία*, as Dion says, for false play, perhaps for using false dice.

beneficio] Antonius, he means, received money from Denticula for getting the Lex passed for his 'restitutio in integrum.'—'absentem,' &c.: these would be reasons for rescinding the judgment. He speaks of his uncle Antonius' condemnation being said to have been accomplished through bribery; and this would have been a good ground for rescinding the judgment against him, and yet M. Antonius had not done it.

cium esse corruptum. Nihil horum. At vir bonus et re publica dignus. Nihil id quidem ad rem; ego tamen, quoniam condemnatum esse pro nihilo est, si ita esset, ignoscerem. Hominem omnium nequissimum, qui non dubitaret vel in foro alea ludere, lege quae est de alea condemnatum qui in integrum restituit, is non apertissime studium suum ipse profitetur? In eodem vero tribunatu, quum Caesar in Hispaniam proficiscens huic conculcandam Italiam tradidisset, quae fuit ejus peragratio itinerum, lustratio municipiorum? Scio me in rebus celebratissimis sermone omnium versari, eaque quae dico dicturusque sum notiora esse omnibus qui in Italia tum fuere quam mihi qui non fui. Notabo tamen singulas res, etsi nullo modo poterit oratio mea satis facere vestrae scientiae. Etenim quod umquam in terris tantum flagitium exstitisse auditum est, tantam turpitudinem, tantum dedecus? XXIV. Vehebatur in essedo tribunus plebis; lictores laureati antecedebant, inter quos aperta lectica mima portabatur; quam ex oppidis municipales, homines honesti, obviam necessario prodeuntes, non noto illo et mimico nomine, sed Volumniam consalutabant. Sequebatur rheda cum lenonibus, comites nequissimi; rejecta mater amicam impuri filii tamquam nurum sequebatur. O miserae mulieris fecunditatem calamitosam! Horum flagitiorum iste vestigiis omnia municipia, praefecturas, colonias, totam denique Italiam impressit.

Reliquorum factorum ejus, patres conscripti, difficilis est sane reprehensio et lubrica. Versatus in bello est; saturavit se sanguine dissimillimorum sui civium; felix fuit, si potest ulla in

At vir bonus] But you will say he was an honest man. That is nothing to the purpose. It is not a ground for rescinding a judgment. 'Still, since a conviction goes for nothing, I would excuse his restoration, if it were so' (if he were an honest man).

Caesar in Hispaniam] See the Introd. —'qui non fui:' Cicero had gone over the sea to Cn. Pompeius.

24. *essedo*] The commentators suppose that 'essedum' is a Gallic word, and a Gallic thing, and that it was introduced into Italy. It is difficult to believe all that they say. Caesar (B. G. iv. 33) calls the British war chariots 'esseda;' but this proves nothing. Cicero also, writing to Trebatius, who was with Caesar in Gallia (Ad Div. vii. 7) tells him to get hold of an 'essedum,' and travel home as fast as he can.

lictores laureati] Antonius was Tr. pl. with the title of Propraetor (Ad Att. x. 8, A) which Caesar had given him. Curio also had 'laureati fasces' (Ad Att. x. 4, § 9).—'aperta lectica mima:' this was Cytheris, otherwise called Volumnia (c. 8). The 'vela' or curtains of the 'lectica' were drawn back. Cicero says (Ad Att. x. 16): "Hoc quidem melius quam collega noster Antonius, cujus inter lictores lectica mima portatur."—'rheda:' Halm. P. Victorius wished to write 'leonibus' for 'lenonibus,' because there is a story of Antonius putting lions in a car (Plin. H. N. viii. 16); but this was after the battle of Pharsalus. Plutarch (Antonius, c. 9) has the same story. Cicero (Ad Att. x. 13) says: "Tu Antoni leones pertimescas cave. Nihil est illo homine jucundius."

rejecta mater] His mother, Julia, was in the rear. It is hard to understand why she should be there at all.

lubrica] 'a dangerous matter to touch on;' for fear of offending the Veterani (Manutius).—'ducem:' Caesar.—'Brundisium . . . occidisti:' see c. 3.

scelere esse felicitas. Sed quoniam veteranis cautum esse volumus, quamquam dissimilis est militum caussa et tua:—illi secuti sunt, tu quaesisti ducem:—tamen, ne apud illos me in invidiam voces, nihil de genere belli dicam. Victor e Thessalia Brundisium cum legionibus revertisti. Ibi me non occidisti. Magnum beneficium: potuisse enim fateor. Quamquam nemo erat eorum, qui tum tecum fuerunt, qui mihi non censeret parci oportere. Tanta enim est caritas patriae ut vestris etiam legionibus sanctus essem, quod eam a me servatam esse meminissent. Sed fac id te dedisse mihi, quod non ademisti, meque a te habere vitam, quia non a te sit erepta, licuitne mihi per tuas contumelias hoc tuum beneficium sic tueri, ut tuebar, praesertim quum te haec auditurum videres? XXV. Venisti Brundisium, in sinum quidem et in complexum tuae mimulae. Quid est? Num mentior? Quam miserum est id negare non posse, quod sit turpissimum confiteri! Si te municipiorum non pudebat, ne veterani quidem exercitus? Quis enim miles fuit qui Brundisii illam non viderit? quis qui nescierit venisse eam tot tibi dierum viam gratulatum? quis qui non indoluerit tam sero se quem hominem secutus esset cognoscere? Italiae rursus percursatio eadem comite mima; in oppida militum crudelis et misera deductio; in urbe auri, argenti, maximeque vini foeda direptio. Accessit ut Caesare ignaro, quum ille esset Alexandriae, beneficio amicorum ejus magister equitum constitueretur. Tum existimavit se suo jure cum Hippia vivere et equos vectigales Sergio mimo tradere. Tum sibi non hanc quam nunc male tuetur, sed M. Pisonis

licuitne] 'liceatne' D.; but the other is the true reading. 'Did your abuse allow me to be grateful for this favour of yours, as I was willing to be (ut tuebar), especially when you saw that you would hear what I am now saying.' If you abused me, as you have done, you must have seen that I should reply.

25. *viam*] 'via' V. Halm.—'deductio:' the quartering of the soldiers in the towns. —'magister equitum:' if Dion's (42, c. 20, 21) story is true, and Plutarch's (Caesar, c. 51), Cicero's is not; for it is said that Caesar was again appointed Dictator for one year at the close of B.C. 48, when he was at Alexandria, and that he appointed Antonius 'magister equitum.'

Hippia] Hippias was a 'mimus,' at whose marriage Antonius got drunk, as Cicero and Plutarch (Anton. c. 9) say. As Antonius was 'magister equitum' he thought that he could properly live with Hippias, a name formed from a horse (ἵππος).—'Sergio:' Sergius was also a 'mimus,' "one of those who had the greatest influence with him" (Antonius, c. 9). The 'equos vectigales' is difficult to explain. Ferrarius says, "hoc accipio, equos quatuor factionum quibus vectigal erat impositum, nulla pecunia Sergio locaturum." I know nothing that helps to confirm this explanation. Klotz says Cicero blames Antonius that being 'magister equitum' he gave to the 'mimus' Sergius horses out of those which the provinces delivered as 'tributum.'—I cannot tell if this explanation is true or not. One sees no reason for the provinces sending horses all the way to Rome. If they furnished them for the armies in the provinces, that would be intelligible.

hanc quam male] The house of Pompeius, which he has now a difficulty in maintaining against the demands of Cnaeus' son, Sextus Pompeius (Abrami). This M. Piso is M. Pupius Piso, consul B.C. 61.

domum ubi habitaret legerat. Quid ego istius decreta, quid rapinas, quid hereditatum possessiones datas, quid ereptas proferam? Cogebat egestas; quo se verteret non habebat: nondum ei tanta a L. Rubrio, non a L. Turselio hereditas venerat: nondum in Cn. Pompeii locum multorumque aliorum qui aberant repentinus heres successerat. Erat ei vivendum latronum ritu, ut tantum haberet quantum rapere potuisset.

Sed haec quae robustioris improbitatis sunt omittamus: loquamur potius de nequissimo genere levitatis. Tu, istis faucibus, istis lateribus, ista gladiatoria totius corporis firmitate, tantum vini in Hippiae nuptiis exhauseras, ut tibi necesse esset in populi Romani conspectu vomere postridie. O rem non modo visu foedam, sed etiam auditu! Si inter caenam in ipsis tuis immanibus illis poculis hoc tibi accidisset, quis non turpe duceret? In coetu vero populi Romani negotium publicum gerens magister equitum, cui ructare turpe esset, is vomens frustis esculentis vinum redolentibus gremium suum et totum tribunal implevit. Sed hoc ipse fatetur esse in suis sordibus: veniamus ad splendidiora.

XXVI. Caesar Alexandria se recepit, felix, ut sibi quidem videbatur; mea autem sententia, qui rei publicae sit hostis, felix esse nemo potest. Hasta posita pro aede Jovis Statoris, bona subjecta Cn. Pompeii—miserum me! consumptis enim lacrimis tamen infixus haeret dolor—bona, inquam, Cn. Pompeii Magni voci acerbissimae subjecta praeconis. Una in illa re servitutis oblita civitas ingemuit, servientibusque animis, quum omnia metu tenerentur, gemitus tamen populi Romani liber fuit. Exspectantibus omnibus quisnam esset tam impius, tam demens, tam diis hominibusque

hereditatum . . . datas] He has spoken of his 'decreta.' He now speaks of the possession of 'hereditates' granted by him (datas) to persons who were not entitled to have it.

Rubrio] See c. 16.—'repentinus heres:' as if he were 'heres,' he took possession of the property of the dead, for Cn. Pompeius was dead, and of the absent.

istis lateribus] Plutarch (Antonius, c. 4): "With these advantages he possessed a noble dignity of person; and his well-grown beard, his broad forehead and hooked nose appeared to express the manly character which is observed in the paintings and sculptures of Hercules."—'gremium:' Plutarch (Anton. c. 9) has the same story with a little variation (ἐμέσεις, τῶν φίλων τινὸς ὑποσχόντος τὸ ἱμάτιον). This particular may be supposed to be Plutarch's invention; but I do not take it so. He found the story elsewhere than in Cicero.

26. *Caesar Alexandria*] He arrived in Italy in September B.C. 47 of the Roman kalendar. Cicero says 'from Alexandria,' because this was the place where Caesar was long detained. On his way home he fought a battle in Asia Minor and defeated Pharnaces; but this was nothing.

hostis, felix] V. There is a reading 'infelix, felix.'—'hasta posita:' a public auction being made. The 'hasta' was set up as a sign of an auction. (De Lege Agraria, i. c. 2, and the note.)—'Jovis Statoris:' see the Index, Vol. iii.

bona subjecta Cn. Pompeii] V. D. Quintilian (ix. 3, 39) quotes 'bona . . . praeconis,' omitting 'subjecta Cn. Pompeii.'—'voci acerbissimae:' compare Pro Quintio, c. 15, Vol. ii.

hostis, qui ad illud scelus sectionis auderet accedere, inventus est nemo praeter Antonium, praesertim quum tot essent circum hastam illam qui alia omnia auderent: unus inventus est qui id auderet, quod omnium fugisset et reformidasset audacia. Tantus igitur te stupor oppressit, vel, ut verius dicam, tantus furor, ut primum, quum sector sis isto loco natus, deinde quum Pompeii sector, non te exsecrandum populo Romano, non detestabilem, non omnes tibi deos, omnes homines et esse inimicos et futuros scias? At quam insolenter statim helluo invasit in ejus viri fortunas, cujus virtute terribilior erat populus Romanus exteris gentibus, justitia carior! XXVII. In ejus igitur viri copias quum se subito ingurgitasset, exsultabat gaudio persona de mimo modo egens, repente dives. Sed ut est apud poetam nescio quem, Male parta male dilabuntur. Incredibile ac simile portenti est, quonam modo illa tam multa quam paucis non dico mensibus, sed diebus effuderit. Maximus vini numerus fuit, permagnum optimi pondus argenti, pretiosa vestis, multa et lauta supellex, et magnifica multis locis, non illa quidem luxuriosi hominis, sed tamen abundantis. Horum paucis diebus nihil erat. Quae Charybdis tam vorax? Charybdin dico? quae si fuit, animal unum fuit: Oceanus, medius fidius, vix videtur tot res, tam dissipatas, tam distantibus in locis positas tam cito absorbere potuisse. Nihil erat clausum, nihil obsignatum, nihil scriptum. Apothecae totae nequissimis hominibus condonabantur. Alia mimi rapiebant, alia mimae: domus erat aleatoribus referta, plena ebriorum: totos dies potabatur atque id locis pluribus: suggerebantur etiam saepe, non enim semper iste felix, damna aleatoria. Conchyliatis Cn. Pompeii peristromatis servorum in cellis lectos stratos

scelus sectionis] The crime of buying this confiscated property. The 'sector' (c. 15) buys the 'sectio.'

isto loco] 'A man of such birth as you are;' for Antonius was 'nobilis.' Abrami remarks that 'ad hastam accedere' is the expression used to signify a purchaser at such auctions. Nepos (Atticus, c. 6), "Ad hastam publicam numquam accessit."—'exsecrandum:' 'exsecratum' V. Halm.

27. *persona de mimo*] Like a character in a 'mimus,' in which great extravagancies were allowed. The words 'modo egens, repente dives' have been conjectured to be the words of some poet. The 'nescio quem' is Cn. Naevius. Cicero knew likely enough; but this is his fashion.

vini numerus] This word is used for 'quantity' either of liquid or solid, as wheat.—'pondus argenti:' he means plate.

animal unum] There is a reading 'uiuum,' which is 'vivum' as we call it. But he means 'if there was a Charybdis, there was only one such animal.'

nihil scriptum] Nothing put down in an inventory, perhaps. The 'apothecae' were the store rooms, and chiefly rooms for wine. Columella (i. c. 6) says that the 'apothecae' were best placed over the rooms whence the smoke generally comes; kitchens, I suppose, and such places, for thus the wines were mellowed.—'suggerebantur .... damna:' there were added losses by gambling.

conchyliatis] Carpets, coverlets, and the like, dyed with the juices of the murex. Sometimes 'conchylia,' the shell-fish, is used to express 'conchyliatae vestes:'

"Plena domus tunc omnis et ingens stabat acervus

videres. Quamobrem desinite mirari haec tam celeriter esse consumpta: non modo unius patrimonium quamvis amplum, ut illud fuit, sed urbes et regna celeriter tanta nequitia devorare potuisset. At idem aedes etiam et hortos. O audaciam immanem! Tu etiam ingredi illam domum ausus es, tu illud sanctissimum limen intrare, tu illarum aedium diis penatibus os impurissimum ostendere? Quam domum aliquamdiu nemo aspicere poterat, nemo sine lacrimis praeterire, hac te in domo tamdiu deversari non pudet? in qua, quamvis nihil sapias, tamen nihil tibi potest esse jucundum. XXVIII. An tu, illa in vestibulo rostra an spolia quum aspexisti, domum tuam te introire putas? Fieri non potest. Quamvis enim sine mente, sine sensu sis, ut es, tamen et te et tua et tuos nosti. Nec vero te unquam neque vigilantem neque in somnis credo posse mente consistere. Necesse est, quamvis sis, ut es, violentus et furens, quum tibi objecta sit species singularis viri, perterritum te de somno excitari, furere etiam saepe vigilantem. Me quidem miseret parietum ipsorum atque tectorum. Quid enim unquam domus illa viderat nisi pudicum, quid nisi ex optimo more et sanctissima disciplina? Fuit enim ille vir, patres conscripti, sicut scitis, quum foris clarus, tum domi admirandus, neque rebus externis magis laudandus quam institutis domesticis. Hujus in sedibus pro cubiculis stabula, pro tricliniis popinae sunt. Etsi jam negat: nolite quaerere: frugi factus est. Illam suam suas res sibi habere jussit, ex duodecim tabulis claves ademit, exegit. Quam porro spectatus

Nummorum, Spartana chlamys, conchylia
Coa." (Juven. viii. 100.)

The 'cellae' were the slaves' small rooms.

aedes et hortos] Occupied or took possession of.—'quamvis nihil sapias:' 'stupid as you are.' He is often on this topic. But we may doubt Cicero's testimony to Antonius' stupidity. He was a libertine and unprincipled fellow. He may have often got drunk too; but he acted very wisely for his own ends, till he fell into Cleopatra's hands.

28. *rostra an spolia*] 'rostran spolia,' V. Halm writes 'rostra [spolia].' The 'rostra' may have been in commemoration of some of Pompeius' naval victories. I see no objection to 'spolia,' and 'an' probably ought to be the conjunction.

species] A vision in which he sees the appearance of Pompeius. Livy, viii. c. 6: "consuli dicitur visa species viri majoris quam pro humano habitu."

tricliniis] 'pro conclavibus popinae triclinis,' V. Halm prints 'pro conclavibus popinae,' and remarks, that it appears from the position which 'tricliniis' has in V., that 'tricliniis' is the glossema, and not 'conclavibus.'

Illam suam] The reading 'illam mimam' in some editions is a conjecture. Cytheris is meant (c. 8). He divorced her by taking the keys from her, according to the old rule of divorce, and telling her to keep her own things to herself. Martial (x. 41) says:

"Mense novi Jani veterem Proculeia maritum
Deseris, atque jubes res sibi habere suas."

The words 'ex duodecim tabulis,' as Klenze says, have been rejected without reason as a gloss. They belong to the words 'claves ademit' (Die Freiheit der Ehescheidung, Zeitschrift für Geschicht. Rechtsw. vii. 38). But this was no 'divortium' from Cytheris, Cicero only calls it so. She was not Antonius' wife.

civis, quam probatus! cujus ex omni vita nihil est honestius quam quod cum mima fecit divortium. At quam crebro usurpat, 'Et consul et Antonius?' hoc est dicere: et consul et impudicissimus, et consul et homo nequissimus. Quid enim est aliud Antonius? Nam si dignitas significaretur in nomine, dixisset, credo, aliquando avus tuus se et consulem et Antonium. Numquam dixit. Dixisset etiam collega meus, patruus tuus: nisi si tu es solus Antonius. Sed omitto ea peccata, quae non sunt earum partium propria quibus tu rem publicam vexavisti: ad ipsas tuas partes redeo, id est ad civile bellum, quod natum, conflatum, susceptum opera tua est. XXIX. Cui bello quum propter timiditatem tuam, tum propter libidines defuisti. Gustaras civilem sanguinem vel potius exsorbueras: fueras in acie Pharsalica antesignanus: L. Domitium clarissimum et nobilissimum virum occideras; multosque praeterea qui de praelio effugerant, quos Caesar ut nonnullos fortasse servasset, crudelissime persecutus trucidaras. Quibus rebus tantis talibus gestis, quid fuit caussae cur in Africam Caesarem non sequerere, quum praesertim belli pars tanta restaret? Itaque quem locum apud ipsum Caesarem post ejus ex Africa reditum obtinuisti, quo numero fuisti? Cujus tu imperatoris quaestor fueras, dictatoris magister equitum, belli princeps, crudelitatis auctor, praedae socius, testamento, ut dicebas ipse, filius, appellatus es de pecunia quam pro domo, pro hortis, pro sectione debebas. Primo respondisti plane ferociter, et ne omnia videar contra te, propemodum aequa et justa dicebas. A me C. Caesar pecuniam? cur potius quam ego ab illo? An sine me ille vicit? At ne potuit quidem. Ego ad illum belli civilis caussam attuli; ego leges perniciosas rogavi; ego arma contra consules imperatoresque populi Romani, contra senatum populumque Romanum, contra deos patrios arasque

earum partium] 'Caesaris,' says Manutius. But this is not the meaning. Cicero says, 'I pass over those misdeeds which do not belong to that part which you have played in vexing the state: I return to what is peculiarly your own.'

29. *propter timiditatem*] The charge of timidity is a gross falsehood.—'antesignanus:' Caesar gave Antonius the command of the left wing at Pharsalus, because he knew him to be a man of courage and action (Plutarch, Caesar, c. 44). This L. Domitius was the father of Cnaeus (c. 11).

in Africam] The African war began in the latter part of B.C. 47. Cicero properly calls it 'belli pars tanta,' for it was a most hazardous war to Caesar.—'imperatoris quaestor:' when Caesar was in Gallia. (Introd.)

appellatus] Called on for payment. 'Appellare' is the word used in this case. Pro P. Quintio, c. 11, and the note. Dion (44, c. 35) says that Antonius was in Caesar's will among the Secundi heredes; but that is not the same as 'filius.'

aequa et justa] Reasonable enough all this on the part of Antonius with respect to Caesar, for he had been Caesar's chief instrument, and such a man never thinks himself overpaid. But Antonius' merits towards Caesar are his condemnation with respect to the state.

et focos, contra patriam tuli. Num sibi soli vicit? Quorum facinus est commune, cur non sit eorum praeda communis? Jus postulabas; sed quid ad rem? plus ille poterat. Itaque excussis tuis vocibus et ad te et ad praedes tuos milites misit, quum repente a te praeclara illa tabula prolata [est]. Qui risus hominum! tantam esse tabulam, tam varias, tam multas possessiones, ex quibus praeter partem Miseni nihil erat quod is qui auctionaretur posset suum dicere. Auctionis vero miserabilis aspectus: vestis Pompeii non multa eaque maculosa; ejusdem quaedam argentea vasa collisa; sordidata mancipia, ut doleremus quidquam esse ex illis reliquiis quod videre possemus. Hanc tamen auctionem heredes L. Rubrii decreto Caesaris prohibuerunt. Haerebat nebulo; quo se verteret non habebat. Quin his ipsis temporibus domi Caesaris percussor ab isto missus deprehensus dicebatur esse cum sica; de quo Caesar in senatu aperte in te invehens questus est. Proficiscitur in Hispaniam Caesar, paucis tibi ad solvendum propter inopiam tuam prorogatis diebus. Ne tum quidem sequeris. Tam bonus gladiator rudem tam cito [accepisti]? Hunc igitur quisquam, qui in suis partibus, id est in suis fortunis, tam timidus fuerit, pertimescat?

XXX. Profectus est tandem aliquando in Hispaniam; sed tuto, ut ait, pervenire non potuit. Quonam modo igitur Dolabella pervenit? Aut non suscipienda fuit ista caussa, Antoni, aut, quum

Jus postulabas] 'You only demanded your rights.' See Phil. i. c. 11, note on 'jus' and 'postulare.'—'excussis:' there is a reading 'exclusis,' which Madvig has accepted (Halm).—'ad praedes:' those who had given security for Antonius to the state when he bought the 'sectio.' Caesar sent the soldiers to do execution by seizing the property of the securities. (See 'Praedes,' Index, Vol. i.)

tabula prolata] A bill or list of articles for sale. Cicero calls them 'libelli' in the Pro P. Quintio, c. 6, and the note.—'qui auctionaretur:' Antonius, the seller.

decreto] Antonius was selling things which the Heredes of Rubrius claimed, and Caesar stopped the sale; but whether he did it by any usual legal form, or of his own authority, I cannot tell.

Caesar in senatu] He says that Caesar complained of this in the senate, and in such a way as showed that he believed it. If Cicero had delivered this speech in the senate, we could hardly have doubted that Caesar did speak of it; but as he only wrote this speech, the assertion may be false.

rudem tam cito] V. omits 'accepisti;' and it is better to omit it. The gladiator received the 'rudis' as a sign of his discharge from service.

"Spectatum satis et donatum jam rude quaeris,
Maecenas, iterum antiquo me includere ludo."

(Horace, Ep. i. 1, v. 2, and Macleane's note.)

tam timidus] Halm asks if this was Antonius' true motive. We may certainly say that it was not. After the fight of Pharsalus he kept out of harm's way, upon some well calculated motive of interest, we may be sure. He might expect that Caesar would perish in the field, and wish to be ready to take advantage of it.

30. *tandem aliquando*] D.; 'aliquando tandem,' Halm.—'omnibus adfuit:' Cicero says in the letter to Atticus (xvi. 11): "de laudibus Dolabellae deruam cumulum. Attamen est isto loco bella, ut mihi videtur, *εἰρωνεία*, quod eum 'ter contra cives in acie.'"—'nollem:' that is, 'affuisset.'

suscepisses, defendenda usque ad extremum. Ter depugnavit Caesar cum civibus, in Thessalia, Africa, Hispania. Omnibus adfuit his pugnis Dolabella: in Hispaniensi etiam vulnus accepit. Si de meo judicio quaeris, nollem; sed tamen consilium a primo reprehendendum, laudanda constantia. Tu vero quid es? Cn. Pompeii liberi tum primum patriam repetebant—esto: fuerit haec partium caussa communis:—repetebant praeterea deos patrios, aras, focos, larem suum familiarem, in quae tu invaseras. Haec quum repeterent armis ii, quorum erant legibus—etsi in rebus iniquissimis quid potest esse aequi?—tamen quem erat aequissimum contra Cn. Pompeii liberos pugnare? quem? te, sectorem. An quum tu Narbone mensas hospitum convomeres, Dolabella pro te in Hispania dimicaret?

Qui vero Narbone reditus? Etiam quaerebat cur ego ex ipso cursu tam subito revertissem. Exposui nuper, patres conscripti, caussam reditus mei. Volui, si possem, etiam ante Kalendas Jan. prodesse rei publicae. Nam quod quaerebas, quo modo redissem—primum luce, non tenebris; deinde cum calceis et toga, nullis nec Gallicis nec lacerna. At etiam aspicis me, et quidem, ut videris, iratus. Ne tu jam mecum in gratiam redeas, si scias quam me pudeat nequitiae tuae, cujus te ipsum non pudet. Ex omnibus omnium flagitiis nullum turpius vidi, nullum audivi. Qui magister equitum fuisse tibi viderere, in proximum annum consulatum peteres, vel potius rogares, per municipia coloniasque Galliae, a qua

quid es] V a t, 'quid censes' b g. Halm suggests 'quid ais?'—'primum:' this word, as Halm remarks, does not refer to 'tum,' but to 'praeterea.' This was a reason for Antonius joining Caesar, to oppose the sons of Pompeius. 'Be it so,' says Cicero, 'let this be considered as the common cause of your party;' this was no more reason for your fighting against them than for others. But he now mentions a particular reason why Antonius should have taken up arms against Pompeius' sons.

repeterent armis] 'peterent armis' V a, Halm.

quum tu] Klotz, Halm. 'an tutu' V. 'an tu' D.—'Narbone:' 'Narbona' a b g. In Caesar (B. G. viii. 46) some MSS. have 'Narbonam.'

Exposui nuper] In the first Philippic. —'cum calceis,' &c.: Cicero returned in the usual dress. He did not wear Gallic slippers. In place of 'Gallicis' a has 'calcis,' and Rufinianus, V. D. have 'caligis,' b has 'calceis caligis.' Faernus and Abrami refer to Gellius (xiii. 21): "*Gallicas* autem verbum esse opinor novum, non diu ante aetatem M. Ciceronis usurpari coeptum, itaque ab eo positum est in secunda Antonianarum: Cum gallicis, inquit, et lacerna cucurristi." The Gallicae were like 'soleae' and 'crepidae.' The 'lacerna' was a cloak, fastened with a buckle on the shoulder or on the neck.

rogares] Because he was asking Caesar for it, and not soliciting in the usual way as a 'petitor.'

a qua] Halm has changed this to 'e qua,' and he compares it with 'ex provincia triumphare.' Accordingly he interprets 'e qua' to mean 'by the merit which the Romans had acquired in this province as propraetors, quaestors, and legati.' He adds, that if his correction is right, Becker (Röm. Alter. ii. 2 p. not. 80) is wrong. Becker interprets this passage to mean that when the republic was free, the candidates used to visit Gallia Cisalpina to canvass for votes. Cicero (Ad Att. i. 1), writing in B.C. 65,

nos tum quum consulatus petebatur, non rogabatur, petere consulatum solebamus, cum Gallicis et lacerna cucurristi. XXXI. At videte levitatem hominis. Quum hora diei decima fere ad Saxa rubra venisset, delituit in quadam cauponula, atque ibi se occultans perpotavit ad vesperum: inde cisio celeriter ad urbem advectus domum venit capite involuto. Janitor: Quis tu?—A Marco tabellarius.—Confestim ad eam, cujus caussa venerat, eique epistolam tradidit. Quam quum illa legeret flens—erat enim scripta amatorie; caput autem litterarum sibi cum illa mima posthac nihil futurum, omnem se amorem abjecisse illinc atque in hanc transfudisse—quum mulier fleret uberius, homo misericors ferre non potuit, caput aperuit, in collum invasit. O hominem nequam! Quid enim aliud dicam? magis proprie nihil possum dicere. Ergo ut te catamitum, nec opinato quum te ostendisses, praeter spem mulier aspiceret, idcirco urbem terrore nocturno, Italiam multorum dierum metu perturbasti? Et domi quidem caussam amoris habuit; foris etiam turpiorem, ne L. Plancus praedes suos venderet. Productus autem in contionem a tribuno plebis, quum respondisses te rei tuae caussa venisse, populum etiam dicacem in te reddidisti. Sed nimis multa de nugis. Ad majora veniamus.

XXXII. C. Caesari ex Hispania redeunti obviam longissime processisti. Celeriter isti, redisti, ut cognosceret te, si minus fortem, at tamen strenuum. Factus es ei rursus nescio quo modo

speaks of taking a run into Gallia, "quoniam videtur in suffragiis multum posse Gallia." Becker's is the right interpretation.

31. *At videte ..... metu perturbasti*] Gellius (vii. 11) quotes all this passage in his chapter intitled "Neque *levitatem* neque *nequitiam* ea significatione esse qua in vulgi sermonibus dicuntur."

Saxa rubra] In Etruria, on the Via Flaminia, about nine miles from Rome. The Cremera, where the Fabii perished, flows into the Tiber a little below Prima Porta, the site of Saxa rubra.—'vesperum:' 'vesperam,' V. Halm. Both forms are used. As to 'cisio,' see Index, Vol. ii. —'involuto:' 'obvoluto' V. Halm. He had his 'lacerna' over his head.

"Turpis odoratum caput obscurante lacerna."
(Hor. Sat. ii. 7, v. 55.)

—'ad eam:' the Janitor takes the letter to her, to Fulvia.

illinc] 'illim' Lambinus, Halm. All the MSS. of Gellius have 'illi,' in place of which 'illius' appears in some editions.

catamitum] 'Catamitum pro Ganymede' Paulus Festi p. 44.—'perturbasti:' "as a report suddenly reached Italy that Caesar was dead and the enemy were advancing, Antonius returned to Rome, and taking a slave's dress he came to the house by night," &c. (Plutarch, Antonius, c. 10). He tells the story about the letter and Fulvia pretty much as Cicero does. Halm supposes that Antonius was reported to be returning with orders for a proscription and other severe measures from Caesar; and he refers to Ad Att. xii. 19, § 2, but there is not much to be got out of that letter for the explanation of this passage.

habuit] V. D. 'habuisti,' Ferrarius, Halm.—'praedes:' the property of the 'praedes.' Cicero says, Ad Att. xii. 18: "opinor propter praedes suos accucurrisse." See Verr. ii. 1, c. 54.—'suos:' 'tuos' D. Halm; 'tus' V. If we write 'habuisti' we must of course have 'tuos.'

rei tuae] The Populus made a 'dictum' or joke about 'rei tuae,' which may have more meanings than one.

familiaris. Habebat hoc omnino Caesar: quem plane perditum aere alieno egentemque, si eundem nequam hominem audacemque cognorat, hunc in familiaritatem libentissime recipiebat. His igitur rebus praeclare commendatus jussus es renuntiari consul, et quidem cum ipso. Nihil queror de Dolabella, qui tum est impulsus, inductus, elusus. Qua in re quanta fuerit utriusque vestrum perfidia in Dolabellam quis ignorat? Ille induxit ut peteret: ille promissum et receptum intervertit ad seque transtulit: tu ejus perfidiae voluntatem tuam ascripsisti. Veniunt Kalendae Januariae: cogimur in senatum: invectus est copiosius multo in istum et paratius Dolabella quam nunc ego. Hic autem iratus quae dixit, dii boni? Primum quum Caesar ostendisset, se priusquam proficisceretur Dolabellam consulem esse jussurum—quem negant regem, qui et faceret semper ejusmodi aliquid et diceret—sed quum Caesar ita dixisset, tum hic bonus augur eo se sacerdotio praeditum esse dixit, ut comitia auspiciis vel impedire vel vitiare posset, idque se facturum esse asseveravit. In quo primum incredibilem stupiditatem hominis cognoscite. Quid enim? Istud, quod te sacerdotii jure facere posse dixisti, si augur non esses et consul esses, minus facere potuisses? Vide ne etiam facilius. Nos enim nuntiationem solum habemus; consules et reliqui magistratus etiam spectionem. Esto: hoc imperite; nec enim est ab homine numquam sobrio postulanda prudentia; sed videte impudentiam. Multis ante mensibus in senatu dixit se Dolabellae comitia aut prohibiturum auspiciis aut id facturum esse quod fecit. Quisquamne divinare potest

32. *Habebat hoc*] This was Caesar's fashion. Halm compares Horace (Sat. i. 1, v. 3):

"—— Sardus habebat
Ille Tigellius hoc."

jussus es] That is, 'by Caesar.' He speaks as if Caesar named himself and Antonius consuls, and merely kept up the form of 'renuntiatio,' or formal declaration, which was made by the magistrate who presided at the Comitia.—'nihil queror:' he does not complain of Dolabella in the matter of the consulship. He was urged to it, induced to seek the office, and cheated out of it. Caesar took it himself.

induxit ut peteret] Omitted by V.—'intervertit:' 'he intercepted what he had promised and engaged to give him;' the consulship. 'Promittere' and 'recipere' often go together. 'Intervertere' is used in the Verr. ii. 4, c. 30, "interverso hoc regali dono," and the note.

Kalendae Januariae] When the consuls entered on their office.—'proficisceretur:' before he set out on his Parthian expedition he would name ('jussurum') Dolabella consul.—'comitia auspiciis:' Phil. i. c. 13: "oblitus auspiciorum a te ipso augure populi Romani nuntiatorum."

minus . . . potuisses] Antonius is said to have said that he would prevent the Comitia by his authority as augur; which was absurd, because he could have done it better as consul. The augur's office was 'nuntiare,' to observe when he was asked by the consul or magistrate who presided at the elections and to report to him. It was the consul's or magistrate's business to declare whether what the augur reported was sufficient to vitiate the meeting. The right of 'spectio' or 'de caelo servare' belonged to the magistrate only: 'Nos enim (augures),' &c.

Quisquamne . . . constituit] Abrami could not discover the meaning of this, nor is it

quid vitii in auspiciis futurum sit nisi qui de caelo servare constituit? quod neque licet comitiis per leges, et, si qui servavit, non habitis comitiis, sed priusquam habeantur debet nuntiare. Verum implicata inscitia impudentia est, nec scit quod augurem, nec facit quod pudentem decet. Atque ex illo die recordamini ejus usque ad Idus Martias consulatum. Quis umquam apparitor tam humilis, tam abjectus? Nihil ipse poterat: omnia rogabat: caput in aversam lecticam inserens beneficia quae venderet a collega petebat.

XXXIII. Ecce Dolabellae comitiorum dies, sortitio praerogativae: quiescit. Renuntiatur: tacet. Prima classis vocatur: renuntiatur. Deinde, ita ut assolet, suffragia; tum secunda classis vocatur; quae omnia sunt citius facta quam dixi. Confecto negotio bonus augur—C. Laelium diceres—'alio die,' inquit. O impudentiam singularem! Quid videras, quid senseras, quid audieras? neque enim te de caelo servasse dixisti, nec hodie dicis. Id igitur obvenit vitium, quod tu jam Kalendis Januariis futurum esse provideras et tanto ante praedixeras. Ergo, hercule, magna, ut spero, tua potius quam rei publicae calamitate ementitus es auspicia, obstrinxisti populum Romanum religione, augur auguri,

clear. He says, "Neque qui servare de caelo constituit magis divinare potest quid in auspiciis vitii futurum sit, quam is qui non constituit servare de caelo." This is true. Neither of them could tell what the result would be. Antonius had said many months before, which is an exaggeration of Cicero, that he would either prevent the Comitia 'auspiciis,' or that he would do what he did (vel vitiare). Cicero says, "Can any man divine what defect there will be in the Auspicia, unless he has made up his mind 'servare de caelo?'" Of course he could not. Antonius had resolved that he would 'servare de caelo,' and that he would see what he was resolved to see.

per leges] The Lex Clodia (B.C. 58) had repealed the Aelia et Fufia (Pro Sestio, c. 15; and Quum Senatui, c. 5, and the notes). Halm supposes that Cicero in the words 'per leges' refers to the Lex Clodia. He does not suppose that the Lex Clodia was really repealed, but that without paying any regard to it, they had returned to the old practice. However that may be, Cicero informs us, that he 'qui servavit de caelo' must do it, not after the Comitia are held, but before they begin. To do it after would be an absurdity, for the purpose of the observation was to ascertain if the Comitia could be properly held.

in aversam lecticam] He represents Caesar as carried in his 'lectica,' and Antonius putting his head into it to present a request to his colleague, whose face he did not see, for he respectfully put in his head at the back part. The reading of D. is 'adversam.' V. has 'aursam.'

33. *praerogativae*] The 'sortitio' was to determine which 'centuria' should vote first. See Praerogativa, Index, Vol. i.—'renuntiatur:' the vote of the Praerogativa is reported. The first class is called; the vote is reported. The words 'deinde, ut assolet . . . vocatur' are very obscure. V. has 'suffragiatum,' out of which 'suffragia tum' has been made (Halm). The words 'deinde, ut assolet' seem very idle words, when they merely mean that the second class votes after the first. A. Augustinus' suggestion that we should read 'deinde ut assolet, suffragatum secunda classis vocatur' seems to me as good as any; but the idle words are there still.

C. Laelium] He was an augur, and he was called Sapiens. He was the friend of the younger Africanus. When all was over Antonius calls out 'alio die,' the formal words by which the proceedings were declared to be vitiated. Cicero asks him what he had seen or heard which disturbed the 'silentium' that was requisite in the 'auspicia,' for he did not pretend that he had 'servasse de caelo.'

consul consuli obnuntiasti. Nolo plura, ne acta Dolabellae videar convellere, quae necesse est aliquando ad nostrum collegium deferantur. Sed arrogantiam hominis insolentiamque cognoscite. Quamdiu tu voles, vitiosus consul Dolabella: rursus, quum voles, salvis auspiciis creatus. Si nihil est, quum augur iis verbis nuntiat quibus tu nuntiasti, confitere te, quum 'alio die' dixeris, sobrium non fuisse: sin est aliqua vis in istis verbis, ea quae sit augur a collega requiro.

XXXIV. Sed ne forte ex multis rebus gestis Antonii rem unam pulcherrimam transiliat oratio, ad Lupercalia veniamus. Non dissimulat, patres conscripti; apparet esse commotum; sudat, pallet. Quidlibet modo ne nauseet faciat, quod in porticu Minucia fecit. Quae potest esse turpitudinis tantae defensio? Cupio audire, ut videam ubi rhetoris tanta merces, id est ubi campus Leontinus appareat. Sedebat in rostris collega tuus, amictus toga purpurea, in sella aurea coronatus. Escendis, accedis ad sellam—ita eras Lupercus ut te consulem esse meminisse deberes—diadema ostendis. Gemitus toto foro. Unde diadema? Non enim abjectum sustuleras, sed attuleras domo meditatum et cogitatum scelus. Tu diadema imponebas cum plangore populi; ille cum plausu rejicie-

obnuntiasti] 'nuntiavisti' D.; but 'obnuntiare' is the word. "Qui malam rem nuntiat, obnuntiat; qui bonam, annuntiat; nam proprie obnuntiare dicuntur augures, qui aliquid mali ominis scaevumque viderunt" (Donatus, Ad Ter. Adelph. iv. 2, 7). The 'consuli' is Caesar; and he was an augur too. The 'obnuntiatio' of a consul was valid against a colleague, and accordingly Cicero says 'obstrinxisti P. R. religione.' Gellius (xiii. 15, quoted by Abrami) says, "In edicto consulum quo edicunt qui dies comitiis centuriatis futurus sit scribitur ex vetere forma perpetua: Ne quis magistratus minor de caelo servasse velit." He then quotes the work of M. Messala Augur De Auspiciis, who tells us the 'maxima auspicia' belong to consuls, praetors, and censors, but the 'auspicia' of all these magistrates are not the same (inter se), nor of the same authority, because the censors are not collegae of the consuls or praetors, but the praetors are collegae of the consuls: "ideoque neque consules aut praetores censoribus, neque censores consulibus aut praetoribus turbant aut retinent auspicia; at censores inter se. Rursus praetores consulesque inter se et vitiant et obtinent."

deferantur] When matters are more settled, there must be a reference to the college of augurs, who will decide whether the Acta of Dolabella as consul are valid; whether your 'obnuntiatio' was valid, and consequently whether Dolabella was irregularly elected (vitiosus).

34. *unam*] belongs not to 'rem,' but to 'pulcherrimam' (Halm), who compares c. 3: "non cum uno gladiatore nequissimo." —'Lupercalia:' see the Introduction.—'Minucia:' 'in qua vomuit' (Manutius). See c. 25. This porticus was in the ninth Regio, and somewhere about the Circus Flaminius (Becker, Röm. Alt. i. p. 621).

rhetoris .... campus Leontinus] He wishes him to show how well he has profited by Sex. Clodius' lessons, who was paid by a grant of land in Sicily. See c. 4.—'coronatus:' he had received permission from the senate and people to wear a crown of bay (Dion 43, c. 43; Sueton. Caesar, c. 45).

ita eras ... ut] 'though you were one of the Luperci, you ought to have remembered that you were a consul.'—'abjectum:' you had not picked it up from the streets, where it had been thrown down.—'ille cum plausu rejiciebat:' Shakspere, in his Julius Caesar, has given this scene well. He founded it on Plutarch's Life of Caesar, c. 61.

bat. Tu ergo unus, scelerate, inventus es qui, quum auctor regni esses, eum quem collegam habebas dominum habere velles; idem tentares quid populus Romanus ferre et pati posset. At etiam misericordiam captabas; supplex te ad pedes abjiciebas. Quid petens? ut servires? Tibi uni peteres, qui ita a puero vixeras ut omnia paterere, ut facile servires: a nobis populoque Romano mandatum id certe non habebas. O praeclaram illam eloquentiam tuam, quum es nudus contionatus. Quid hoc turpius, quid foedius, quid suppliciis omnibus dignius? Num exspectas dum te stimulis fodiamus? Haec te, si ullam partem habes sensus, lacerat, haec cruentat oratio. Vereor ne imminuam summorum virorum gloriam, dicam tamen dolore commotus. Quid indignius quam vivere eum qui imposuerit diadema, quum omnes fateantur jure interfectum esse qui abjecerit? At etiam ascribi jussit in fastis ad Lupercalia:—C. Caesari Dictatori perpetuo M. Antonium consulem populi jussu regnum detulisse: Caesarem uti noluisse.—Jamjam minime miror te otium perturbare, non modo urbem odisse, sed etiam lucem; cum perditissimis latronibus non solum de die, sed etiam in diem vivere. Ubi enim tu in pace consistes? qui locus tibi in legibus et in judiciis esse potest, quae tu, quantum in te fuit, dominatu regio sustulisti? Ideone L. Tarquinius exactus, Sp. Cassius, Sp. Maelius, M. Manlius necati, ut multis post saeculis a M. Antonio, quod fas non est, rex Romae constitueretur?

XXXV. Sed ad auspicia redeamus, de quibus rebus Idibus Martiis fuit in senatu Caesar acturus. Quaero, tum tu quid egisses. Audiebam equidem te paratum venisse, quod me de ementitis auspiciis, quibus tamen parere necesse erat, putares esse dicturum. Sustulit illum diem fortuna rei publicae. Num etiam tuum de

Tibi uni peteres] He says, 'What did you sue for? To be a slave? Sue for yourself,' or, 'You should have sued for yourself.'

nudus] As a Lupercus he was 'nudus,' wearing only a pair of drawers on this solemn occasion. The Lupercal breeches were a skin of the animals which were killed on the occasion. At least this was the old fashion. On the festival of the Lupercalia, says Plutarch (Caesar, c. 61), "many of the young magistrates and nobles run through the city without their toga, and for sport; and to make laughter, strike those whom they meet with strips of hide that have the hair on." The charge is that Antonius addressed the people in this strange plight.—'stimulis fodiamus:' to prick and goad you, to stir you up. The 'haec oratio' is Antonius' oratio.

Quid indignius] In his letter to Atticus (xvi. 11) Cicero proposes to alter this passage: "Illud etiam malo 'indignissimum [est] hunc vivere' quam 'quid indignius.'" But it seems that the passage was not altered, for it stands thus in the MSS.

de die] Compare 'De multa nocte' (Vol. iii. Index). But here 'de die' means to live wastefully, extravagantly; and 'in diem,' without care for the future. All the critics do not agree about the meaning of 'de die.'

35. *quibus rebus Idibus*] V. omits 'Idibus,' and Halm in his text has omitted 'rebus.' D. has 'de quibus rebus Idibus.'

auspiciis judicium interitus Caesaris sustulit? Sed incidi in id tempus, quod his rebus, in quas ingressa erat oratio, praevertendum est. Quae tua fuga, quae formido praeclaro illo die, quae propter conscientiam scelerum desperatio vitae? quum ex illa fuga beneficio eorum, qui te, si sanus esses, salvum esse voluerunt, clam te domum recepisti? O mea frustra semper verissima auguria rerum futurarum. Dicebam illis in Capitolio liberatoribus nostris, quum me ad te ire vellent, ut ad defendendam rem publicam te adhortarer, quoad metueres omnia te promissurum; simul ac timere desisses, similem te futurum tui. Itaque quum ceteri consulares irent, redirent, in sententia mansi; neque te illo die neque postero vidi, neque ullam societatem optimis civibus cum importunissimo hoste foedere ullo confirmari posse credidi. Post diem tertium veni in aedem Telluris et quidem invitus, quum omnes aditus armati obsiderent. Qui tibi dies ille, [M.] Antoni, fuit? Quamquam mihi inimicus subito exstitisti, tamen me tui miseret, quod tibi invideris. XXXVI. Qui tu vir, dii immortales, et quantus fuisses, si illius diei mentem servare potuisses. Pacem haberemus, quae erat facta per obsidem, puerum nobilem, M. Bambalionis nepotem. Quamquam bonum te timor faciebat, non diuturnus magister officii, improbum fecit ea quae dum timor abest a te non discedit audacia. Etsi tum quum optimum te putabant, me quidem dissentiente, funeri tyranni, si illud funus fuit, sceleratissime praefuisti. Tua illa pulchra laudatio, tua miseratio, tua cohortatio. Tu, tu, inquam, illas faces incendisti, et eas quibus semiustulatus ille est, et eas quibus incensa L. Bellieni domus deflagravit. Tu illos

praevertendum] D. has 'praetereundum.'—'his rebus' is the dative: 'I have fallen on the mention of a time, which I must speak of before these matters with which I had begun.' Halm has 'iis rebus.'—'Quae tua fuga:' see the Introd.—'si sanus esses:' 'si bene de re publica sentires' (Abrami).

in Capitolio] See the Introd. Cicero visited the Liberators in the Capitol.—'irent, redirent:' 'were going backwards and forwards to you.'

Post diem tertium] 'On the third day after.' This is a Roman form of expression. It was the 17th of March (Phil. i. c. 1).—'quod tibi invideris:' 'that you have been your own enemy,' that you have not consulted your own reputation, when you had such an opportunity.

36. *per obsidem*] Antonius' young son by Fulvia, M. Fulvius Bambalio's daughter. See Introd., and compare Phil. iii. c. 6. Manutius incorrectly supposed that Bambalio was Fadius the father of Antonius' first wife.—'funeri tyranni:' see Introd. Dion (44, c. 36—49) has given us the speech of Antonius, 'a very elegant and splendid speech,' says Dion, but made by Dion himself, as Casaubon rightly says; and a most fustian affair it is.

semiustulatus] 'semustilatus' Halm.—'illas faces:' see the Introd.—'Bellieni:' he may be the man who is mentioned in a letter of M. Caelius to Cicero (Ad Div. viii. 15).—'in nostras:' he says 'our houses,' and also writing to Atticus (xiv. 10): "At ille (Caesar) etiam in foro combustus laudatusque miserabiliter, servique et egentes in tecta nostra cum facibus immissi." Suetonius (Caesar, c. 85) speaks only of the houses of M. Brutus and Cassius being attacked.

impetus perditorum hominum et ex maxima parte servorum, quos nos vi manuque reppulimus, in nostras domos immisisti. Idem tamen quasi fuligine abstersa reliquis diebus in Capitolio praeclara senatus consulta fecisti, ne qua post Idus Martias immunitatis tabula neve cujusquam beneficii figeretur. Meministi ipse de exsulibus; scis de immunitate quid dixeris. Optimum vero quod dictaturae nomen in perpetuum de re publica sustulisti; quo quidem facto tantum te cepisse odium regni videbatur, ut ejus omnem propter proximum dictatorem tolleres metum. Constituta res publica videbatur aliis, mihi vero nullo modo qui omnia te gubernante naufragia metuebam. Num me igitur fefellit, aut num diutius sui potuit dissimilis esse? Inspectantibus vobis toto Capitolio tabulae figebantur; neque solum singulis venibant immunitates, sed etiam populis universis. Civitas non jam singillatim, sed provinciis totis dabatur. Itaque si haec manent, quae stante re publica manere non possunt, provincias universas, patres conscripti, perdidistis; neque vectigalia solum, sed etiam imperium populi Romani hujus domesticis nundinis deminutum est. XXXVII. Ubi est septies millies [sestertium], quod est in tabulis quae sunt ad Opis? funestae illius quidem pecuniae, sed tamen quae nos, si iis quorum erat non redderetur, a tributis posset vindicare. Tu autem quadringenties sestertium, quod Idibus Martiis debuisti, quonam modo ante Kalendas Apriles debere desisti? Sunt ea quidem innumerabilia quae a tuis emebantur, non insciente te, sed unum egregium de rege

ne qua post Idus] See Phil. i. c. 1.—'de exsulibus:' Phil. i. c. 1, and for the allusion 'dictaturae nomen.'—'omnem . . . metum:' V. has 'omen nomen propter proximum dictatoris metum tolleres;' where 'omen' is plainly intended for 'omne.' Halm follows Muretus, who has 'ut ejus omne nomen propter proximi dictatoris metum tolleres.'

venibant] Heusinger's emendation. V. D. have 'veniebant.'—'civitas . . . provinciis totis:' Sicily is mentioned by Cicero Ad Att. xiv. 12. See Phil. i. c. 10.

37. *septies millies*] Some MSS. add 'sestertium,' which must be mentally supplied at least, for 'funestae pecuniae' refers to it. The 'funesta pecunia' was the produce of confiscation and sale (Phil. i. c. 7).—'ad Opis:' Phil. i. c. 7, v. c. 6, and the Introd.

tributis] The property-tax (Phil. i. c. 7). See Pro Flacco, c. 32, and the note on 'tributum.' One might infer from this passage that the 'tributum' was again imposed on Italy, or at least that it was apparent that it must be imposed to meet the wants of the state. Plutarch (Aem. Paul. c. 38) says that it was not imposed till B.C. 43; in which year the Triumviri exacted a forced loan of two per cent. on the whole property of 400 rich women, and on the property of all Cives and Peregrini in Italy; also on freedmen and priests (in respect of the temples, we may suppose) who possessed property to the amount of 400,000 sestertii; and they had also to pay a tax of one year's income (Appian, B. C. iv. 32—34). Appian says, *ἐνιαυτοῦ δὲ φόρον ἐς τὸν πόλεμον ἐσενέγκαιεν*, which seems to mean a year's income; but Marquardt (Handbuch Röm. Alt. iii. 2, 135) says, "a 'tributum' of one per cent. for a year." Afterwards (Appian, v. 67) the Triumviri imposed a tax of fifty sestertii on slaves, one half of the tax which had been imposed during the war with Brutus and Cassius; and also a tax on testamentary successions. See Dion Cassius, 47, c. 14, on the taxes imposed B.C. 43. He and Appian do not seem to agree altogether.

Deiotaro, populi Romani amicissimo, decretum in Capitolio fixum, quo proposito nemo erat qui in ipso dolore risum posset continere. Quis enim cuiquam inimicior quam Deiotaro Caesar? aeque atque huic ordini, ut equestri, ut Massiliensibus, ut omnibus, quibus rem publicam populi Romani caram esse sentiebat. Igitur a quo vivo nec praesens nec absens quidquam aequi boni impetravit, apud mortuum factus est gratiosus. Compellarat hospitem praesens, computarat, pecuniam imperarat, in ejus tetrarchia unum ex Graecis comitibus suis collocarat: Armeniam abstulerat a senatu datam. Haec vivus eripuit, reddit mortuus. At quibus verbis? Modo aequum sibi videri, modo non iniquum. Mira verborum complexio. At ille numquam, semper enim absenti adfui Deiotaro, quidquam sibi quod nos pro illo postularemus aequum dixit videri. Syngrapha sestertii centies per legatos, viros bonos, sed timidos et imperitos, sine nostra, sine reliquorum hospitum regis sententia facta in gynaeceo est, quo in loco plurimae res venierunt et veneunt. Qua ex syngrapha quid sis acturus meditere censeo. Rex enim ipse sua sponte, nullis commentariis Caesaris, simul atque audivit ejus interitum, suo Marte res suas recuperavit. Sciebat homo sapiens jus semper hoc fuisse, ut quae tyranni eripuissent, ea tyrannis interfectis ii quibus erepta essent recuperarent. Nemo igitur jureconsultus, ne iste quidem, qui tibi uni est jureconsultus, per quem haec agis, ex ista syngrapha deberi dicit pro iis rebus, quae

rege Deiotaro] See the Introd. to that Oration.—'Massiliensibus:' after Caesar had defeated Pompeius' legati in Spain (B.C. 49), Massilia, which had opposed him on his way to Spain, surrendered.

quidquam aequi boni] 'aequum, bonum' was a technical formula. Pro Caecina, c. 33, and the note.

compellarat] Caesar when he was in Galatia had addressed Deiotarus about money matters. This skilful usurper was always looking after money, without which war cannot be carried on. He had come to a reckoning (computarat). V. has 'impetrarat,' which Halm accepts. He spoiled the king, says Cicero (De Divin. ii. c. 37): "spoliatum reliquit et hospitem et regem." He took from him the tetrarchy of the Trocmi, and gave the Less Armenia to Ariobarzanes (p. 423).

complexio] A confusion of words. The false decretum was absurd; it used the terms 'aequum' and 'non iniquum.'—'absenti adfui:' supported his case (Pro Deiotaro).

Syngrapha] A writing, an obligation. He says 'sestertii centies;' for so this word 'sestertium' is used. There is a note on 'syngrapha' (Verr. ii. 1, c. 36; Vol. i.). The writing was made in Fulvia's apartments ('in gynaeceo,' the Greek γυναικωνῖτις). Compare Ad Att. xiv. 12. In revolutions there are always women who play a part, and get hold of money.

jureconsultus] After Caesar's death old Deiotarus took possession of what he had lost. Cicero argues that as Deiotarus had got what the writing gave him, Antonius could not sue upon it. His legal argument is merely a joke. There were better reasons why Antonius could not sue on such an agreement. It is very true that Antonius could not sell to a man what belonged to him. This was a rule of Roman law and of common sense, that if a man happened to sell something which really belonged to the buyer, it was no sale. But even if the bargain of Antonius and Deiotarus held good, the transaction was not a sale, for Antonius had nothing to sell to Deiotarus. We do not know who was Antonius' lawyer. It may be the famous Sex. Clodius, whom he had recalled from exile (Phil. i. c. 1).

erant ante syngrapham recuperatae; non enim a te emit, sed prius quam tu suum sibi venderes ipse possedit. Ille vir fuit: nos quidem contemnendi, qui auctorem odimus, acta defendimus. XXXVIII. Quid ego de commentariis infinitis, quid de innumerabilibus chirographis loquar? quorum etiam imitatores sunt, qui ea tamquam gladiatorum libellos palam venditent. Itaque tanti acervi nummorum apud istum construuntur ut jam expendantur, non numerentur pecuniae. At quam caeca avaritia est! Nuper fixa tabula est, qua civitates locupletissimae Cretensium vectigalibus liberantur, statuiturque ne post M. Brutum pro consule sit Creta provincia. Tu mentis es compos, tu non constringendus? In Caesaris decreto Creta post M. Bruti decessum potuit liberari, quum Creta nihil ad Brutum Caesare vivo pertineret? At hujus venditione decreti, ne nihil actum putetis, provinciam Cretam perdidistis. Omnino nemo ullius rei fuit emptor cui defuerit hic venditor. Et de exsulibus legem quam fixisti Caesar tulit. Nullius insector calamitatem: tantum queror, primum eorum reditus inquinatos quorum caussam Caesar dissimilem judicarit; deinde nescio cur non reliquis idem tribuas; neque enim plus quam tres aut

38. *commentariis*] Caesar's papers. They were endless; for Antonius, it is said, forged what he liked.—'imitatores:' 'institores' Pantagathus, Halm. 'Institores' are hucksters, men to offer them openly for sale ('qui . . . venditent'), as if they were bills of the gladiators' shows. It was the practice for him who exhibited the gladiators (editor) to put forth bills (libelli) in which the days of the games were mentioned, the names of the gladiators and pairs who should fight (Lipsius, Sat. ii. 18). It was also usual to exhibit pictures of the gladiators, coarse things no doubt, on the walls or elsewhere.

"Vel quum Pausiaca torpes, insane, tabella,
Qui peccas minus atque ego, quum Fulvi Rutubaeque
Aut Pacideiani contento poplite miror
Proelia rubrica picta aut carbone, velut si
Re vera pugnent, feriant vitentque moventes
Arma viri?"

(Hor. Sat. ii. 7, v. 95, and Macleane's note.) Pliny (35, c. 7) has a passage to the purpose: "Libertus (Neronis) quum daret Antii munus gladiatorium, publicas porticus investivit pictura, ut constat, gladiatorum ministrorumque omnium veris imaginibus redditis.—Pingi autem gladiatoria munera atque in publico exponi coepta a C. Terentio Lucano. Is avo suo a quo fuerat adoptatus triginta paria in Foro per triduum dedit, tabulamque pictam in nemore Dianae posuit." See the beginning of Cicero's letter to M. Caelius (Ad Div. ii. 8).

post M. Brutum] Who, under Antonius' new arrangements, was to have Creta for his province (Introd.). But how could Caesar's order (decretum) have declared that Creta should pay no 'vectigal' after Brutus' term had expired ('post M. Bruti decessum')? for Caesar had fixed Macedonia for Brutus' province for B.C. 43.

legem quam fixisti] 'which you fixed up as a Lex carried by Caesar.'—'inquinatos:' Camerarius proposed 'aequatos.' Cicero means that some discredit was thrown on the restoration of the exiles, whom Caesar had recalled as having been exiled for political reasons; for Antonius recalled people of a different stamp. Appian (B. C. ii. 107) says that Caesar restored the exiles, except those who were exiled for something unpardonable (πλὴν εἴ τις ἐπ' ἀνηκέστοις ἔφευγε).

Caesar tulit] Halm says that he has added to 'tulit' "interrogationis signum auctore Guil. Christio." It is certainly a memorable act. Nobody will mistake the meaning whether he reads with the ? or without it.

quattuor reliqui sunt. Qui simili in calamitate sunt, cur tua misericordia non simili fruuntur? cur eos habes in loco patrui? de quo ferre, quum de reliquis ferres, noluisti: quem etiam ad censuram petendam impulisti, eamque petitionem comparasti quae et risus hominum et querelas moveret. Cur autem ea comitia non habuisti? an quia tribunus plebis sinistrum fulmen nuntiabat? Quum tua quid interest, nulla auspicia sunt; quum tuorum, tum fis religiosus. Quid, eundem in septemviratu nonne destituisti? intervenit enim cui metuisti, credo, ne salvo capite negare non posses. Omnibus eum contumeliis onerasti, quem patris loco, si ulla in te pietas esset, colere debebas. Filiam ejus, sororem tuam, ejecisti, alia conditione quaesita et ante prospecta. Non est satis: probri insimulasti pudicissimam feminam. Quid est quod addi possit? contentus eo non fuisti. Frequentissimo senatu Kalendis Jan. sedente patruo, hanc tibi esse cum Dolabella caussam odii dicere ausus es quod ab eo sorori et uxori tuae stuprum oblatum esse comperisses. Quis interpretari potest impudentiorne qui in senatu, an improbior qui in Dolabellam, an impurior qui patre audiente, an crudelior qui in illam miseram tam spurce, tam impie dixeris? XXXIX. Sed ad chirographa redeamus. Quae tua fuit cognitio? Acta enim Caesaris pacis caussa confirmata sunt a senatu; quae quidem Caesar egisset, non ea quae Caesarem egisse dixisset Antonius. Unde ista erumpunt, quo auctore proferuntur? Si sunt falsa, cur probantur? si vera, cur veneunt? At sic placuerat ut [ex] Kalendis Juniis de Caesaris actis cum consilio cognosceretis. Quod fuit consilium, quem umquam advocasti, quas Kalendas Junias exspec-

in loco patrui] C. Antonius. See c. 23. —'quum de reliquis ferres:' in his tribuneship (c. 23). It seems that C. Antonius was recalled in some way, or he could not have been a candidate for the censorship. Cicero here speaks of him as being in the senate on the 1st of January, B.C. 44. Manutius supposed that the laugh was at Antonius, for proposing that an absent man and an exile should be elected censor. It is certain that Antonius would have proposed nothing like that. I do not know what the laugh was about, for Cicero does not say. Antonius did not hold the Censoria Comitia, as he had given notice that he would.

septemviratu] The commission of seven for the assignment of land (Introd.). He deprived his uncle of a place among the commissioners in favour of another person. —'enim cui metuisti:' I have followed Halm here. 'Cui' is due to Madvig. The reading 'intervenit enim. Quid metuisti?' is not intelligible.

sororem tuam] His 'soror patruelis,' that is, his uncle's daughter (Introd.). '*Uxorem tuam*, cod. A. Augustini' (Halm). Lambinus proposed 'uxorem tuam,' and by a strange mistake calls her Octavia.—'conditione:' a match. Antonius charged his wife with adultery. He suspected that Dolabella was the adulterer (Plut. Ant. c. 9).

39. *cognitio*] Examination for the purpose of knowing what Caesar left behind him in his Chirographa.—'ista:' all those which you produce. He adds 'quo auctore?' who is to vouch for their genuineness? Compare Phil. i. c. 7.—'cum consilio cognosceretis:' the consuls were to examine Caesar's papers with the assistance of a Consilium, which we may assume to have been intended to consist of a certain number of senators.—'advocasti:' D.; 'convocasti,' Halm.

tasti? An eas, ad quas te peragratis veteranorum coloniis stipatum armis rettulisti?

O praeclaram illam percursationem tuam mense Aprili atque Maio, tum quum etiam Capuam coloniam deducere conatus es. Quemadmodum illinc abieris, vel potius paene non abieris, scimus. Cui tu urbi minitaris. Utinam conere, ut aliquando illud 'paene' tollatur! At quam nobilis est tua illa peregrinatio. Quid prandiorum apparatus, quid furiosam vinolentiam tuam proferam? Tua ista detrimenta sunt; illa nostra. Agrum Campanum, qui quum de vectigalibus eximebatur ut militibus daretur, tamen infligi magnum rei publicae vulnus putabamus, hunc tu compransoribus tuis et collusoribus dividebas. Mimos dico et mimas, patres conscripti, in agro Campano collocatos. Quid jam querar de agro Leontino? quoniam quidem hae quondam arationes Campana et Leontina in populi Romani patrimonio grandiferae et fructuosae ferebantur. Medico tria millia jugerum, quasi te sanum fecisset; rhetori duo, quasi disertum facere potuisset. Sed ad iter Italiamque redeamus. XL. Deduxisti coloniam Casilinum, quo Caesar ante deduxerat. Consuluisti me per litteras de Capua tu quidem, sed idem de Casilino respondissem, possesne ubi colonia esset eo coloniam novam jure deducere. Negavi in eam coloniam quae esset auspicato deducta, dum esset incolumis, coloniam novam jure deduci; colonos

Aprili] See the Introd.—'paene non abieris:' he means to say that he hardly escaped with his life, for the settlers were not willing to receive new settlers among them, who must be provided with land in some way, and by some being taken from the old settlers, if none was left unassigned. Compare Phil. viii. c. 8 and 9, where Cicero speaks of assignments having been made by Antonius and Dolabella in the Campanus ager.

illa nostra] The things which he is going to mention. So 'illud' is often used. This Ager Campanus had been given to veteran soldiers by a Lex Julia B.C. 59 (Sueton. Julius, c. 20).

Leontinus ager] See c. 34. There were great 'arationes,' tracts of arable land, in the Ager Leontinus, which were farmed by Roman citizens and others. Cicero (Verr. ii. 3, c. 51) speaks of the Leontinus ager being divided among eighty-four tenants when Verres arrived in Sicily. "The Leontine territory of about 30,000 jugera of arable land, which as Roman domain was leased by the Censors, we find some time after divided among not more than eighty-four lessees, who consequently had on an average 360 jugera apiece; and among the lessees only one was a Leontine, the rest were strangers to the territory, mostly Roman speculators" (Th. Mommsen, Römische Geschichte, ii. 71).

grandiferae] V, g, Halm. The common reading is 'grandi fenore.' Martianus Capella (v. § 511), quoted by Halm, has "His plerumque grammatice utitur, licet Tullius *grandiferas possessiones* dicat et *grandiloquos oratores*."—'rhetori:' see c. 17. Antonius had a royal mind in every thing. He paid his teacher and his doctor out of the public money, and paid them well.—'quasi te,' &c.: 'quid, si te sanasset ... quid, si te disertum,' Halm.

40. *Casilinum*] On the site of the present Capoua in Campania, on the Vulturnus, a few miles west of Capua. Caesar had planted some of his veterans here, whom Octavianus induced to join him, when he was making head against Antonius (Appian, B. C. iii. 40, and the Introd. to the Third Philippic).—'tu quidem:' 'it is true that you asked my opinion.' So 'ille quidem' often occurs.

novos ascribi posse rescripsi. Tu autem insolentia elatus, omni auspiciorum jure turbato, Casilinum coloniam deduxisti, quo erat paucis annis ante deducta, ut vexillum tolleres et aratrum circumduceres, cujus quidem vomere portam Capuae paene perstrinxisti ut florentis coloniae territorium minueretur. Ab hac perturbatione religionum advolas in M. Varronis sanctissimi atque integerrimi viri fundum Casinatem. Quo jure, quo ore? Eodem, inquies, quo in heredum L. Rubrii, quo in heredum L. Turselii praedia, quo in reliquas innumerabiles possessiones. Et si ab hasta, valeat hasta, valeant tabulae, modo Caesaris, non tuae; quibus debuisti, non quibus tu te liberavisti. Varronis quidem Casinatem fundum quis venisse dicit, quis hastam istius venditionis vidit, quis vocem praeconis audivit? Misisse te dicis Alexandriam qui emeret a Caesare; ipsum enim exspectare magnum fuit. Quis vero audivit umquam,—nullius autem salus curae pluribus fuit,—de fortunis Var-

ascribi] A 'supplementum,' as it was called, was sometimes sent to an old colony, and the new 'coloni' were 'ascripti' to the old settlers (Livy, 31, c. 49). So long as the Colonia existed, and could maintain itself, no new Colonia could be settled within the limits which had been assigned to the original Colonia with the proper religious ceremonial (auspicato).

ut vexillum] This is to be connected with 'insolentia elatus . . . deduxisti.' This was a military Colonia, as the Roman Coloniae were from the time of C. Marius, being principally formed for the purpose of providing old soldiers with land. C. Caesar's Campana Lex gave land both to soldiers and to poor citizens who had three children or more. Under Augustus began the regular system of military colonies. The 'vexillum' was the military flag under which the 'coloni' were led (deducti). Cicero (De Leg. Agrar. ii. c. 32) says, "vexillum Campanae coloniae." The 'vexillum' is an ordinary type on the coins of the Roman military Coloniae. The 'aratrum' marked out the site of the new town. Antonius came so near to the borders of Capua that he almost touched its 'territorium.' The 'territorium' is the whole land included within the limits of a Colonia: "Territorium est universitas agrorum intra fines cujusque civitatis" (Pomponius, Dig. 50. 16.239, § 8). Pomponius adds: "quod ab eo dictum quidam aiunt, quod magistratus ejus loci intra eos fines terrendi, id est summovendi jus habent;" an explanation which is no better than Varro's (v. 21): "colonis locus communis, qui prope oppidum relinquitur, territorium, quod maxime teritur." 'Territorium' is a word like 'tectorium,' 'olitorius,' and contains the element 'terra.'

Casinatem] Varro's estate, 'fundus,' at Casinum, now San Germano, was on the Via Latina, seven miles from Aquinum. Cicero says 'Casinas,' Abrami remarks, because Varro had also a villa at Tusculum. This Varro is the learned M. Terentius Varro, who once commanded two legions for Pompeius in Spain (B.C. 49); but he submitted to Caesar. His reputation was that of a writer and a learned man, the most learned of the Romans. He speaks of his Casinas in his work De Re Rustica, iii. c. 5, where he had an 'ornithon,' or place for singing birds and other kinds. It was under the Mons Casinus, Monte Casino, that Varro's Casinas was situated.

L. Rubrii] In place of this he wrote originally the name of Scipio: "Libenter ea corrigam quae a te animadversa sunt, 'eodem jure quo Rubriana' potius quam 'quo Scipionis'" (Ad Att. xvi. 11).

si ab hasta] 'if you took possession by virtue of a sale, let the sale be good,' let it be valid. The 'tabulae' are the 'tabulae auctionariae.' But he plays on the word when he says "the 'tabulae' by which you became a debtor, not those by which you released yourself." The first are the 'tabulae' by which he became a debtor for what he had bought of Pompeius' goods; and the second are the forged papers of Caesar, which Antonius had used for fraudulent purposes. Manutius takes 'quibus debuisti' to mean generally all 'tabulae' by which Antonius was bound.

ronis rem ullam esse detractam? Quid, si etiam scripsit ad te Caesar ut redderes; quid satis potest dici de tanta impudentia? Remove gladios parumper illos quos videmus. Jam intelliges aliam caussam esse hastae Caesaris, aliam confidentiae et temeritatis tuae. Non enim te dominus modo illis sedibus, sed quivis amicus, vicinus, hospes, procurator arcebit. XLI. At quam multos dies in ea villa turpissime es perbacchatus. Ab hora tertia bibebatur, ludebatur, vomebatur. O tecta ipsa misera 'quam dispari domino!' Quamquam quomodo iste dominus? sed tamen quam ab dispari tenebantur. Studiorum enim suorum M. Varro voluit esse illud, non libidinum deversorium. Quae in illa villa ante dicebantur, quae cogitabantur, quae litteris mandabantur! Jura populi Romani, monumenta majorum, omnis sapientiae ratio omnisque doctrinae. At vero te inquilino, non enim domino, personabant omnia vocibus ebriorum, natabant pavimenta vino, madebant parietes, ingenui pueri cum meritoriis, scorta inter matres familias versabantur. Casino salutatum veniebant, Aquino, Interamna. Admissus est nemo. Jure id quidem: in homine enim turpissimo obsolefiebant dignitatis insignia. Quum inde Romam proficiscens ad Aquinum accederet, obviam ei processit, ut est frequens municipium, magna sane multitudo. At iste operta lectica latus per oppidum est ut mortuus. Stulte Aquinates; sed tamen in via habitabant. Quid Anagnini? Qui quum essent devii, descenderunt ut istum, tamquam si esset consul, salutarent. Incredibile dictu; sed tum nimis inter omnes constabat neminem esse resalutatum; praesertim quum duos secum Anagninos haberet, Mustelam et Laconem, quorum

Remove gladios] He writes as if he were speaking in the temple of Concordia in the sight of Antonius' armed men. 'Take those swords away, and you shall soon be told that the case of Caesar's sales is one thing, and your impudence and rashness a different thing.' We maintain Caesar's sales for the sake of peace; but we will not tolerate your fraud and violence (Manutius).

procurator] See Index, Vol. i.

41. *hora tertia*] The 'nona' was the usual time:

"Imperat exstructos frangere nona toros."
(Martial iv. 8.)

—'quam dispari domino:' a quotation from some tragic writer. The line is quoted in the De Off. i. c. 39:

"O domus antiqua heu quam dispari
Dominare domino."

Jura] "We have just learnt (Ritschl, Die Schriftstellerei des M. Terentius Varro im N. Rhein. Mus. vi. 481 ff.) that Varro wrote also a work in fifteen books De jure civili" (Halm). His writings were very numerous, and on many subjects.

inquilinus] A tenant or lodger, not owner (dominus). See Index, Vol. i.—'meritoriis:' the word is explained by Suetonius, Claudius, c. 15, "scorta meritoria." —'ut est frequens:' 'a great number, for it is a populous place.' 'Ut' is often used thus, 'as it is a populous place,' 'considering that it is' &c.

Anagnini] The Aquinates were on the Via Latina, on which Antonius was travelling. The Anagnini had to descend from their town Anagnia, which is on a hill.

sed tum nimis] "Cod. Colotianus et Palat. primus Gruteri" (Halm). On the other readings various attempts at correction have been made. Halm proposes 'dictust, tamen vicinos inter omnes.'

Mustelam et Laconem] In the letter to

alter gladiorum est princeps, alter poculorum. Quid ego illas istius minas contumeliasque commemorem, quibus invectus est in Sidicinos, vexavit Puteolanos, quod C. Cassium et Brutos patronos adoptassent? magno quidem studio, judicio, benevolentia, caritate; non ut te et Basilum, vi et armis, et alios vestri similes, quos clientes nemo habere velit, non modo illorum cliens esse. XLII. Interea dum tu abes, qui dies ille collegae tui fuit, quum illud quod tu venerari solebas bustum in foro evertit? Qua re tibi nuntiata, ut constabat inter eos qui una fuerunt, concidisti. Quid evenerit postea nescio. Metum credo valuisse et arma. Collegam quidem de caelo detraxisti, effecistique, non tu quidem etiam nunc, ut similis tui, sed certe ut dissimilis esset sui.

Qui vero inde reditus Romam, quae perturbatio totius urbis? Memineramus Cinnam nimis potentem, Sullam postea dominantem; modo regnantem Caesarem videramus. Erant fortasse gladii, sed absconditi, nec ita multi. Ista vero quae et quanta barbaria est. Agmine quadrato cum gladiis sequuntur: scutorum lecticas portari videmus. Atque his quidem jam inveteratis, patres conscripti, consuetudine obduruimus. Kalendis Juniis quum in senatum, ut erat constitutum, venire vellemus, metu perterriti repente diffugimus. At iste qui senatu non egeret, neque desideravit quemquam, et potius discessu nostro laetatus est, statimque illa mirabilia facinora effecit. Qui chirographa Caesaris defendisset lucri sui caussa, is leges Caesaris easque praeclaras, ut rem publicam concutere pos-

Atticus (xvi. 11), in which there are several allusions to this speech, Cicero says, "Anagnini sunt Mustela ταξιάρχης et Laco qui plurimum bibit." Manutius suggested that the names in this passage of the oration are a gloss, because they were not in Atticus' copy of the speech, or he would not have asked, and Cicero would not have said, who they were. But Halm suggests that the names may have been added to the speech, because Atticus had suggested it.

patronos] It was usual for these Italian towns to choose Patroni at Rome. Cicero was Patronus of Capua (Pro Sestio, c. 4, and In Cat. iv. c. 11, and the note).

42. *bustum*] See Introd. and Phil. i. c. 2.—'metum:' he does not know what changed Dolabella; he suggests that it was fear and the dread of Antonius' soldiers; but Cicero knew that Dolabella got money from Antonius, and he says so in his letters.

Collegam quidem] 'I know this, that you have brought down your colleague from his high elevation.' To be in heaven was of course the highest thing ("in caelo esse," Ad Att. xiv. 6).

Cinnam] Cicero had certainly seen the man, though he does not say so, for Cicero was born in B.C. 106, and Cinna died in B.C. 85; and he had seen Sulla too. In his youth he was a witness of tyrannical power and proscription, and it was his hard fate to perish by another proscription.—'erant fortasse:' in Caesar's reign, as he calls it.

Agmine quadrato] He approached the city with his troops in order of battle. An 'agmen quadratum' is not a square battalion, but a battalion in line on the march, and ready to fight. The term occurs in B. G. viii. 8; Phil. v. c. 7, and xiii. c. 8. We must supply 'milites' with 'sequuntur.' The 'lecticae' contained shields placed in them to be concealed, and to be ready for use.

neque desideravit] 'Statimque' corresponds to 'neque desideravit' (Halm). 'Neque' is sometimes followed by 'que.' The clause 'et . . . laetatus est' is interposed. Halm writes 'sed' for 'et.'—'leges Caesaris . . . numerum annorum:' Phil. i. c. 8.

set, evertit: numerum annorum provinciis prorogavit; idemque, quum actorum Caesaris defensor esse deberet, et in publicis et in privatis rebus acta Caesaris rescidit. In publicis nihil est lege gravius: in privatis firmissimum est testamentum. Leges alias sine promulgatione sustulit, alias ut tolleret promulgavit. Testamentum irritum fecit, quod etiam infimis civibus semper obtentum est. Signa, tabulas, quas populo Caesar una cum hortis legavit, eas hic partim in hortos Pompeii deportavit, partim in villam Scipionis.

XLIII. Et tu in Caesaris memoria diligens, tu illum amas mortuum? Quem is majorem honorem consecutus erat quam ut haberet pulvinar, simulacrum, fastigium, flaminem? Est ergo flamen, ut Jovi, ut Marti, ut Quirino, sic divo Julio M. Antonius. Quid igitur cessas? Cur non inaugurare? Sume diem: vide qui te inauguret. Collegae sumus; nemo negabit. O detestabilem hominem, sive quod tyranni sacerdos es, sive quod mortui. Quaero

Leges alias] He abolished some of Caesar's Leges by new Leges, which were never even promulgated (Phil. i. c. 10). He promulgated some Leges in order to abrogate (tolleret) others. There is a reading 'ut tolleret promulgatas promulgavit,' which is in some editions, but some of the early critics (Faernus, Muretus, and others) omitted 'promulgatas,' on the authority of the Codex Vaticanus, and properly omitted it. Graevius defends 'promulgatas.'

Testamentum] Caesar's 'testamentum,' which Antonius made of no effect. 'Testamentum irritum' is a technical term (Gaius, ii. 146), which means that a will is duly made, but loses its legal effect in consequence of something which happens afterwards, as if the testator sustained a Capitis diminutio, or if there was no Heres to take under the will. Cicero says 'irritum fecit:' Antonius did not allow the will to take effect. He took possession of the testator's property contrary to law.

Caesar left statues and pictures to the Roman people. He left his 'horti' then 'instructi,' or 'cum instrumento' (Index, Vol. i. 'Instrumentum'). Suetonius, who speaks of the legacy of the 'horti,' does not mention the pictures and statues (Caesar, c. 83). They were intended to be public property for the pleasure and instruction of the people. The 'horti' contained buildings in which were statues and pictures. Antonius carried the things off, some to Pompeius' 'horti,' which he had got possession of (c. 27), and others to Scipio's villa (c. 17). If all this is true, Antonius was the most impudent knave on record.

43. *pulvinar*] The statues of the gods were placed on 'pulvinaria' during a 'lectisternium.' Manutius refers to Suetonius (Julius, c. 76): "Sed et ampliora etiam humano fastigio decerni sibi passus est, sedem auream in curia et pro tribunali, tensam et ferculum Circensi pompa, templa, aras, simulacra juxta deos, pulvinar, flaminem, Lupercos, appellationem mensis e suo nomine." "Fastigium in domo," says Florus (iv. 2), "suggestus in curia, fastigium in domo, mensis in caelo." The 'fastigium' is 'tectum fastigiatum,' a front with a pediment, such as temples had. It is the Greek ἀετός, ἀέτωμα. Caesar lived in a Templum. He was a god. (Plut. Caesar, c. 63.)

flamen] See Introd.—'inaugurare:' 'inauguraris,' Halm. 'Why are you not inaugurated, ordained?' The Pontifex Maximus named the Flamen ("capit flaminem, prodit," Cic. Pro Mil. c. 10), who was ordained in the Comitia Calata by an augur. "In libro Laelii Felicis ad Q. Mucium primo scriptum est Labeonem scribere: 'Calata Comitia esse quae pro collegio pontificum habentur aut Regis aut Flaminum inaugurandorum caussa.'" (Gellius, xv. 27.)

tyranni] 'Caesaris' V. Halm. It matters little which we take. Antonius delivered his speech against Cicero on the 19th of September, the fifth day of the Ludi Romani; and Cicero speaks or writes as if he delivered this speech on the same day. The Ludi Romani lasted from the 4th to

deinceps, num hodiernus dies qui sit ignores? Nescis heri quartum in Circo diem ludorum Romanorum fuisse? te autem ipsum ad populum tulisse ut quintus praeterea dies Caesari tribueretur? Cur non sumus praetextati? Cur honorem Caesaris tua lege datum deseri patimur? an supplicationes addendo diem contaminari passus es, pulvinaria contaminari noluisti? Aut undique religionem tolle aut usquequaque conserva. Quaeris placeatne mihi pulvinar esse, fastigium, flaminem. Mihi vero nihil istorum placet: sed tu, qui acta Caesaris defendis, quid potes dicere cur alia defendas, alia non cures? nisi forte vis fateri te omnia quaestu tuo, non illius dignitate metiri. Quid ad haec tandem? exspecto enim eloquentiam tuam. Disertissimum cognovi avum tuum: at te etiam apertiorem in dicendo. Ille numquam nudus est contionatus: tuum hominis simplicis pectus vidimus. Respondebisne ad haec, aut omnino hiscere audebis? Ecquid reperies ex tam longa oratione mea cui te respondere posse confidas? XLIV. Sed praeterita omittamus. Hunc unum diem, unum, inquam, hodiernum diem, hoc punctum temporis, quo loquor, defende, si potes. Cur armatorum corona senatus septus est, cur me tui satellites cum gladiis audiunt, cur valvae Concordiae non patent? cur homines omnium gentium maxime barbaros Ituraeos cum sagittis deducis in forum? Praesidii sui caussa se facere dicit. Nonne igitur millies perire est melius quam in sua civitate sine armatorum praesidio non posse vivere? Sed nullum est istud, mihi crede, praesidium. Caritate

the 12th of September: from the 15th to the 19th were the Ludi Romani in Circo. At least this was so in Augustus' time, as appears from Maffei's calendar. It was supposed by P. Manutius that the four days were not added when Cicero delivered his Verrine orations. The passage on which this opinion is founded (Verr. Act. i. c. 10) is not quite clear. The fifth day was added in honour of Caesar, as we learn here.

praetextati] 'why are we not all in our Praetextae; all of us, or those of us who are augurs?' We must assume from the question that the augurs at least would wear the Praetexta on a festival. That they wore it during the exercise of their functions and at festivals, and at no other time, we may safely assume, as Halm suggests.

supplicationes . . . pulvinaria] On 'pulvinaria' Manutius says: "Noluisti quae deorum immortalium sunt in eum conferre? tolle igitur et supplicationes." He had only half done the work. A day was fixed, but not celebrated. The 'pulvinaria' should have been brought out.

apertiorem] A kind of joke, as Abrami remarks, which means Antonius' plain speaking, and his 'nuditas' when he addressed the people in his breeches at the Lupercalia. There is something of the same kind in the words 'hominis simplicis.'

44. *armatorum corona*] He writes as if he were speaking in the senate.—'valvae:' Manutius compares Phil. v. c. 7: "in cella Concordiae collocari armatos . . . . opertis valvis Concordiae;" and the letter to Plancus (Ad Div. x. 2): "nec nostrae dignitatis videtur esse ibi sententiam de re publica dicere, ubi me et melius et propius audiant armati quam senatores." The consul, if Cicero tells the truth, had armed men in the senate; and perhaps he had reason for it. How could he know that he would be safer than Caesar had been? As to 'valvae,' see Vol. i. Index.

Ituraeos] See c. 8.

[te] et benevolentia civium septum oportet esse, non armis. Eripiet, extorquebit tibi ista populus Romanus, utinam salvis nobis. Sed quoquo modo nobiscum egeris, dum istis consiliis uteris, non potes, mihi crede, esse diuturnus. Etenim ista tua minime avara conjux, quam ego sine contumelia describo, nimium diu debet populo Romano pensionem tertiam. Habet populus Romanus ad quos gubernacula rei publicae deferat; qui ubicumque terrarum sunt, ibi omne est rei publicae praesidium vel potius ipsa res publica, quae se adhuc tantummodo ulta est, nondum recuperavit. Habet quidem certe res publica adolescentes nobilissimos, paratos defensores: quam volent illi cedant otio consulentes, tamen a re publica revocabuntur. Et nomen pacis dulce est et ipsa res salutaris; sed inter pacem et servitutem plurimum interest. Pax est tranquilla libertas, servitus postremum malorum omnium non modo bello, sed morte etiam repellendum. Quod si se ipsos illi nostri liberatores e conspectu nostro abstulerunt, at exemplum facti reliquerunt. Illi quod nemo fecerat fecerunt. Tarquinium Brutus bello est persecutus, qui tum rex fuit, quum esse Romae regem licebat. Sp. Cassius, Sp. Maelius, M. Manlius propter suspicionem regni appetendi sunt necati. Hi primum cum gladiis, non in regnum appetentem, sed in regnantem impetum fecerunt. Quod quum ipsum factum per se praeclarum est atque divinum, tum expositum ad imitandum est, praesertim quum illi eam gloriam consecuti sint quae vix caelo capi posse videatur. Etsi enim satis in ipsa conscientia pulcherrimi facti fructus erat, tamen mortali immortalitatem non arbitror esse contemnendam.

XLV. Recordare igitur illum, M. Antoni, diem, quo dictaturam sustulisti. Pone ante oculos laetitiam senatus populique Romani; confer cum hac nundinatione tua tuorumque; tum intelliges quantum inter laudem et lucrum intersit. Sed nimirum, ut quidam morbo aliquo et sensus stupore suavitatem cibi non sentiunt, sic

minime avara] Fulvia. She was greedy of money; and Cicero may mean this ironically. But his direct meaning is that she is not greedy about keeping her husbands; she gives them freely. But she is too long in making her third payment, which would be the death of Antonius. But she never made this payment. Antonius survived her. Halm compares Cicero, Verr. Act. i. c. 7: "quem ego hominem honoris potius quam contumeliae caussa nominatum volo."

quos gubernacula . . . qui ubicumque] The Liberators, and M. Brutus and Cassius, the head of them. But the helmsmen had left the ship. The most noble 'adolescentes' are Brutus, Cassius, and others. M. Brutus was more than twenty years younger than Cicero.

Hi primum] V, g, Halm. The other reading is 'Hi primi.'—'mortali:' omitted by D. But the omission destroys the antithesis which is intended.

45. *dictaturam*] See Phil. i. c. 2.—'cum hac nundinatione:' 'cum hac immani nundinatione' A. Augustinus, Halm. The reading 'cum nummatione,' which is in some editions, has no meaning, though Manutius tried to explain it.

libidinosi, avari, facinorosi verae laudis gustatum non habent. Sed si te laus allicere ad recte faciendum non potest, ne metus quidem a foedissimis factis potest avocare? Judicia non metuis. Si propter innocentiam, laudo: sin propter vim, non intelligis, qui isto modo judicia non timeat, ei quid timendum sit. Quod si non metuis viros fortes egregiosque cives, quod a corpore tuo prohibentur armis, tui te, mihi crede, diutius non ferent. Quae est autem vita dies et noctes timere a suis? nisi vero aut majoribus habes beneficiis obligatos quam ille quosdam habuit ex iis, a quibus est interfectus, aut tu es ulla re cum eo comparandus. Fuit in illo ingenium, ratio, memoria, litterae, cura, cogitatio, diligentia: res bello gesserat, quamvis rei publicae calamitosas, at tamen magnas: multos annos regnare meditatus, magno labore, magnis periculis quod cogitarat effecerat: muneribus, monumentis, congiariis, epulis multitudinem

gustatum] 'gustum' D.

quosdam habuit] As C. Trebonius and L. Tillius Cimber, D. Brutus, and others whom Caesar had long had about him. M. Brutus and Cassius, who were of the Pompeian faction, had been pardoned, but Cicero may not allude to them. Here he admits that many of Caesar's murderers were under obligations to him. If Caesar deserved his death, we cannot excuse the men who did it after receiving favours from him.—'multos annos:' Cicero's assertion alone would not make us believe that Caesar's usurpation was the result of a plan which he had steadily followed; but all Caesar's life is consistent with Cicero's assertion.

muneribus] He means that Caesar's 'spectacula' (Sueton. Caesar, c. 26 and 39) were of all kinds, and most expensive. Such a concourse of people came to see them that most of the strangers lodged either in the small places about Rome, or in tents in the streets and open parts of the city, and many were crushed to death in the crowds, two senators among the rest. Caesar enlarged the old Circus Maximus, which was made capable of accommodating 260,000 spectators (Plin. 36, c. 15). This is the circus which Dionysius (Antiq. Rom. iii. 68) describes. Caesar also built the Forum Julium more beautiful than the Forum Romanum. It was placed in a very crowded part of the city, and the ground cost an enormous sum of money. In this Forum Caesar placed the temple of Venus Genetrix, for which he bought at the price of eighty talents the pictures of Medea and of Ajax by Timomachus (Plin. 7, c. 38; 35, c. 4). Other great works which he contemplated were cut short by his death. This magnificence was calculated to please and subjugate a people who were so corrupted that they cared for nothing but a pittance to live on and amusement. It is the fashion of new men, of usurpers, to do such things. They spend magnificently what they get dishonestly.

congiariis] A 'congiarium' is a vessel which contains the amount of a 'congius,' which is a liquid measure of six sextarii. This measure of oil or wine was occasionally distributed among the people at Rome: but in course of time 'congiarium' meant any distribution among the people, whether it was of wine, corn, or money. 'Congiaria' became common under the empire. Suetonius (Caesar, c. 38) speaks of Caesar's 'congiaria.' He paid his old soldiers well, and he gave the people something too. A modern usurper need not care for the people, but he must please his soldiers. Caesar feasted the people, and he distributed meat among them. After his Spanish victory (B.C. 45) he gave two breakfasts (prandia). Plutarch, Dion, Pliny, speak of the Dictator's hospitality. The wine was of the best quality. This is the way to gain a stupid rabble. Dion (43, c. 24) however reports something about the 'spectacula' after the African war which can hardly be his invention. There were people who blamed Caesar for the number of men whose lives were sacrificed at the 'spectacula,' for his insatiate appetite in this matter, and for displaying before the people's eyes the image of their own sufferings. Still more did they blame him for expending countless sums of money on all these things; and on two grounds, that he had got the greater part of the money by foul means, and that he

imperitam delenierat: suos praemiis, adversarios clementiae specie devinxerat. Quid multa? attulerat jam liberae civitati partim metu, partim patientia consuetudinem serviendi. XLVI. Cum illo ego te dominandi cupiditate conferre possum, ceteris vero rebus nullo modo comparandus es. Sed ex plurimis malis, quae ab illo rei publicae sunt inusta, hoc tamen boni est, quod didicit jam populus Romanus quantum cuique crederet, quibus se committeret, a quibus caveret. Haec non cogitas, neque intelligis satis esse viris fortibus didicisse quam sit re pulchrum, beneficio gratum, fama gloriosum tyrannum occidere? an, quum illum homines non tulerint, te ferent? Certatim posthac, mihi crede, ad hoc opus curretur neque occasionis tarditas exspectabitur.

Respice, quaeso, aliquando [rem publicam, M. Antoni;] quibus ortus sis, non quibuscum vivas, considera; mecum, uti voles; redi cum re publica in gratiam. Sed de te tu [ipse] videris: ego de me ipse profitebor. Defendi rem publicam adolescens, non deseram senex: contempsi Catilinae gladios, non pertimescam tuos. Quin etiam corpus libenter obtulerim, si repraesentari morte mea libertas civitatis potest, ut aliquando dolor populi Romani pariat quod jamdiu parturit. Etenim si abhinc annos prope viginti hoc ipso in templo negavi posse mortem immaturam esse consulari, quanto verius nunc negabo seni? Mihi vero, patres conscripti, jam etiam

wasted it in this way. It was indeed a wasteful expenditure of ill-gotten money, but the Dictator did not spend the money on himself. The splendour of the Roman spectacle was for all the Romans. Even Augustus, who succeeded to Caesar's power, did not live like a modern king. The large sums which he expended were laid out on embellishing Rome, and not on his own house or family (Suetonius, Augustus, c. 73, 101). Dion's reflections on the money-spending may be his own thoughts; or if not his own, certainly only those of the better sort at Rome. The people in the usual sense of the term would be pleased, for Caesar was not spending their money.

46. *beneficio gratum*] 'pleasing in the service' to the Patria, of course. Assassination is declared to be a noble act, serviceable to a State, and glorious to the assassins, when they kill a tyrant. Antonius, if he saw this speech, had warning enough; and if he did not see this speech, we may suppose that he had copies of the fourth Philippic. It is no wonder that he took better care of himself than Caesar did.

redi cum re publica] The order of V. D. has 'cum re p. redi.'—'adolescens:' when he was consul, about twenty years before. In c. 44 he speaks of 'adolescentes,' who were men of forty or so.—'repraesentari:' 'if by my death the liberty of the State can be immediately secured.' 'Repraesentare' means to make a thing present, to do it now. Caesar (B. G. i. c. 40): "Itaque se quod in longiorem diem collaturus fuisset repraesentaturum et proxima nocte de quarta vigilia castra moturum." See also Cic. Ad Div. v. 16, 6.

quod jamdiu parturit] That is 'interitum tuum' (Manutius).—'abhinc annos prope viginti:' see c. 1, where he says, "his annis viginti." 'Abhinc' being used to mark the point of time from which the reckoning is made, the accusative is used to express the duration.

mortem immaturam] See In Cat. iv. c. 2, and the note.—'adeptus sum . . . opto, unum:' these words are wanting in V. in the original text, and have been supplied by another hand (Halm).

optanda mors est, perfuncto rebus iis quas adeptus sum quasque gessi. Duo modo haec opto, unum, ut moriens populum Romanum liberum relinquam: hoc mihi majus a diis immortalibus dari nihil potest: alterum, ut ita cuique eveniat ut de re publica quisque mereatur.

INTRODUCTION TO THE THIRD PHILIPPIC.

After his speech of the 2nd of September (p. 457), Cicero did not appear in the senate until the 20th of December, when he delivered his Third Philippic. It appears from one of his letters (Ad Div. xii. 2) that he was in Rome on the 19th of September, on which day Antonius made his fierce attack on Cicero (Introd. to the Second Phil.). It appears also from other letters (Ad Div. xii. 3) that he was in Rome on the 2nd of October, when M. Antonius addressed the people; and he was there on the 9th of October, when Antonius set out to Brundisium to meet the four legions from Macedonia (Ad Div. xii. 23). It does not appear whether he was in Rome all the time between the 2nd of September and the 9th of October. However, he went into the country after the 9th of October, and corresponded with Atticus (Ad Att. xv. 13), and also with Caesar, who was then raising troops in Campania. While Cicero was in the country, he was occupied with writing and looking out for his safety by keeping out of Antonius' way.

The quarrel of M. Antonius and Caesar was made worse by Antonius charging Caesar with hiring men to assassinate him (Ad Div. xii. 23). Cicero says that most people thought that Antonius invented the charge in order that he might have a pretext for not settling accounts with Caesar; but the sensible and respectable part ('prudentes et boni'), of whom he was one, believed the charge to be true and approved of the act. But no proof of the charge was produced. Appian (B. C. iii. 39) says that a few, who judged more truly, saw that it was Caesar's interest that Antonius should live, though he had wronged Caesar, for he was formidable to the Dictator's assassins, and that if Antonius were dead, they would dare to do any thing, especially as they were supported by the senate. This is a sensible remark.

The veterans seem to have suspected that Antonius was not so zealous in avenging the Dictator's death, as he pretended and they wished, and it was necessary for him to convince them that it was not so. Accordingly he set up the Dictator's statue on the Rostra with the inscription "Parenti optime merito." On the 2nd of October he addressed the people, and told them that the Liberators were traitors, that they had done every thing on the advice of Cicero, and that the tribune Ti. Canutius, an enemy of Antonius, was a tool of Cicero. Antonius fearing

that Caesar would gain over the soldiers, set out on the 9th of October with his wife Fulvia to Brundisium, to meet the four legions from Macedonia, which the senate had given him, the Martia, the Secunda, the Quarta, and the Trigesima Quinta. About the same time Caesar set out to Campania, to raise troops among the veterans whom the Dictator had planted in those parts (Appian, B. C. iii. c. 40). He was afraid that Antonius on his return from Brundisium would crush him, if he were not able to protect himself.

At Suessa Auruncorum Antonius put some soldiers to death, probably because he discovered them to be active on the part of Caesar (Phil. xiii. c. 8; iii. c. 4). He found the soldiers at Brundisium ill-disposed towards him. He threatened them for not bringing before him those who had been sent by the petulant youth, meaning Caesar, to corrupt the troops, and he said that he would find them out himself: he said that he would lead them to his province Gallia, and would give to all who were there one hundred denarii each. The soldiers laughed at the smallness of his present, for Caesar promised more, and, as Antonius grew angry, they began to leave him. Upon this Antonius ordered the tribunes to hand over to him the mutineers, for the tribunes knew every soldier's character, it being the practice to mark each man's character in the muster rolls. He took every tenth man by lot, but he did not put them all to death, though he might have done it according to the rules of war, for the army was in a state of mutiny (Appian, B. C. iii. c. 43, 44; Phil. iii. c. 12; v. c. 8). This punishment however did not restore obedience: the soldiers were more irritated than terrified.

Antonius, hearing of what Caesar was doing, changed the tribunes, treated the soldiers more gently and sent them along the east coast in divisions towards Ariminum. Having strengthened his praetorian cohort by selecting the most trustworthy men, he set out for Rome. Caesar informed Cicero on the 1st of November that Antonius was advancing on Rome with the legion of the Alaudae. He asked Cicero's advice whether he should go to Rome with three thousand veterans, or occupy Capua and keep Antonius out of it, or go to the three Macedonian legions, which were marching northwards along the east coast of Italy, for he hoped that these three legions were in his favour. Cicero advised Caesar to go to Rome (Ad Att. xvi. 8). This legion of the Alaudae had been raised by the Dictator in Transalpine Gallia, and was not one of the Macedonian legions. It does not appear whether Antonius took it with him to Brundisium or found it on the road as he went or returned. Antonius was expected to reach Casilinum near Capua on the 7th of November, and Cicero got out of his way by moving towards Arpinum (Ad Att. xvi. 10). It is not easy to follow clearly all Antonius' movements. He seems to have left the greater part of his men at

Tibur, and to have placed a body of cavalry before the gates of Rome, and to have entered the city with a sufficient force to protect him.

In his Edicta he abused Caesar and taunted him with the meanness of his origin (Phil. iii. c. 6); and he reproached Cicero with the old affair of the Catilina conspiracy. He gave notice of a meeting of the senate for the 24th of November, but he did not come to the senate on that day. The meeting was put off to the 28th of November, on which day the senate met in the Capitol (Phil. iii. c. 8). Cicero says in one place (Phil. iii. c. 8) that Antonius did not come to the senate on the 24th, because he was drinking. In another place (Phil. xiii. c. 9) he speaks of Antonius going to Tibur before the meeting of the senate in the Capitol, and making a speech there. The object of the meeting on the 28th was to declare Caesar an enemy, and some 'consularis,' whose name is not mentioned, came prepared with a motion to that effect. Antonius already knew that the Legio Martia had gone to Alba with the intention of joining Caesar, and now hearing that the Quarta had revolted, he put off the business about Caesar and hurried through the senate a motion to grant a 'supplicatio' to M. Lepidus for bringing about a reconciliation between Sex. Pompeius, the son of Magnus, and the senate (Phil. iii. c. 9).

Antonius went to Alba to stop the mutiny, but being received with a shower of arrows from the walls he returned. Appian (B. C. iii. 45) says that he then retired to Tibur with the troops which he had with him, and with all the stores usual when a general was going to take the field. He may however have returned to Rome before he went to Tibur (Phil. iii. c. 10; xiii. c. 9); for Cicero speaks of the 'sortitio provinciarum' being made on an evening after the revolt of the Quarta was known (Phil. iii. c. 10); and of Antonius addressing the people, and telling them that he would protect the city. It is very difficult to get out of Cicero a clear view of the movements of Antonius at this time. However this may be, when Antonius went to Tibur he was followed by many senators and others who attempted to bring about a reconciliation (Appian, B. C. iii. c. 46). If Appian's story is true, he did not leave Rome, nor advance to north Italy exactly under the circumstances which Cicero mentions. He hurried into Cisalpine Gallia to secure the possession of that province; and perhaps he hoped to gain over M. Lepidus, and also Plancus, who was in Transalpine Gallia. Antonius left his wife and children behind him in Rome, and he had friends there to look after his interests and to oppose Cicero.

Antonius had got by a vote of the people the province of Gallia Cisalpina, and power to make war on D. Brutus with the Macedonian legions, if Brutus would not give up the province. Brutus opposed to Antonius' claim the resolution of the senate, which had confirmed

Caesar's arrangements, and consequently his title to the province (p. 456). Brutus declared by an edict that he would hold Gallia Cisalpina on the behalf of the senate, and this edict was read at Rome on the 20th of December (Phil. iii. c. 4; iv. 3). The war now began and Brutus shut himself up in Mutina, where Antonius besieged him till the middle of April B.C. 43.

In the month of October, as it has been said, Caesar had gone into Campania to the colonies of the Dictator to raise troops. The old soldiers were ready to support one who professed that he would avenge the Dictator's death and maintain all his measures against his assassins. The enemies of Antonius were ready to believe that Caesar would support the republic, and regard his duty to it more than his obligation to avenge the Dictator's death. Cicero was either deceived by Caesar, or he hoped to make use of him against Antonius, in the expectation that it would not be difficult to deal with this youth, when Antonius was out of the way. He certainly encouraged the youth in his bold and illegal measures. At least he says so himself.

Caesar raised troops among the veterans of Casilinum and Calatia and other Campanian colonies. He paid them 500 denarii apiece (Ad Att. xvi. 8); and following Cicero's advice, took them to Rome before Antonius returned from Brundisium. The tribune Ti. Canutius, Antonius' enemy, went to meet Caesar, and he comforted the people, who were frightened at the approach of the troops, with the assurance that Caesar had come to protect Rome. When he entered the city Caesar addressed the people, and Cicero who was still in the country was alarmed at his speech, a copy of which was sent to him. The youth swears 'so true as he hopes to attain to his father's honours;' and at the same time 'he stretched out his right hand towards Caesar's statue.' 'May I never owe my safety to such a person,' adds Cicero (Ad Att. xvi. 15). The soldiers whom Caesar had led to Rome, were not pleased to find that they were to oppose Antonius and their old comrades in arms. Some complained that they were deceived, and others pretended that they wanted to go home for their arms, though it is not likely that soldiers had come so far without them. Caesar behaved prudently. He thanked them for what they had done, and let those go who wished. Those who stayed with him he led into Etruria, and made Arretium the place of meeting for all the men whom he raised in the north of Italy. Some of the men who left him came back, preferring military service to the labour of the fields (Appian, B. C. iii. c. 42).

During this time the Macedonian legions were advancing from Brundisium; and the Martia, which was at Alba near Rome, declared for Caesar. This defection, as already observed, was followed by the revolt of the Quarta. These two legions joined Caesar in Etruria. All Caesar's

forces assembled at Arretium. Appian erroneously says that they were assembled at Alba (B. C. iii. 47; but compare B. C. iii. c. 42). His force consisted of the two legions which had deserted Antonius, two which he had raised among the veterans in the colonies, and one legion newly levied. The senate had no troops, and were glad to accept Caesar's offers of help; Caesar had no authority and wished to have a regular commission from the senate. Though Cicero had advised the boy to go to Rome, he was very irresolute about going there himself. He did not know what to do, as his letters to Atticus show. When Antonius left Rome, Cicero could safely return, but he wished to be first assured of Caesar's disposition, that he would not be hostile to the murderers of the tyrant, and that he would even be friendly to them. Oppius assured him that it would be so. However, he says (Ad Att. xvi. 15) that it was not public matters that moved him at present: he had money matters which required his presence at Rome, and he must come even into the midst of the flames. He did come on the 9th of December. On the 10th the tribunes entered on their office; and on the 20th Cicero declared himself openly against Antonius and in favour of Caesar in his third Philippic.

ORATIONUM PHILIPPICARUM

LIBER TERTIUS.

I. Serius omnino, patres conscripti, quam tempus rei publicae postulabat, aliquando tamen convocati sumus; quod flagitabam equidem quotidie, quippe quum bellum nefarium contra aras et focos, contra vitam fortunasque nostras, ab homine profligato ac perdito non comparari, sed geri jam viderem. Exspectantur Kalendae Januariae, quas non exspectat Antonius, qui in provinciam D. Bruti summi et singularis viri cum exercitu impetum facere conatur; ex qua se instructum et paratum ad urbem venturum esse minitatur. Quae est igitur exspectatio aut quae vel minimi dilatio temporis? Quamquam enim adsunt Kalendae Januariae, tamen breve tempus longum est imparatis. Dies enim affert vel hora potius, nisi provisum est, magnas saepe clades. Certus autem dies non ut sacrificiis, sic consiliis exspectari solet. Quod si aut Kalendae Januariae fuissent eo die, quo primum ex urbe fugit Antonius, aut hae non essent exspectatae, bellum jam nullum haberemus. Auctoritate enim senatus consensuque populi Romani facile hominis amentis fregissemus audaciam. Quod confido equidem consules designatos, simul ut magistratum inierint, esse facturos; sunt enim optimo animo, summo consilio, singulari con-

1. *Serius omnino*] See the end of c. 5, and the note.

profligato] He uses the word, as he often does, in a metaphorical sense, which is near enough to the meaning of our Latinized word 'profligate;' for he does not mean that Antonius was yet a ruined and defeated man.—'ex qua:' he threatened to come to Rome with his army from Cisalpine Gallia, as C. Caesar had done.

Quae est igitur] This means 'what then does waiting mean, or even the shortest delay?'—'nisi:' 'nihil' V., 'nisi' D. Halm has 'si nihil,' which may be the genuine text.—'sacrificiis, sic consiliis:' the common reading is 'sacrificii sic consilii.'

hae non essent] 'eae non essent' Halm. —'consules designatos:' Hirtius and Pansa, the consuls for B.C. 43.

cordia. Mea autem festinatio non victoriae solum avida est, sed etiam celeritatis.

Quo enim usque tantum bellum, tam crudele, tam nefarium privatis consiliis propulsabitur? cur non quam primum publica accedit auctoritas? II. C. Caesar adolescens, paene potius puer, incredibili ac divina quadam mente atque virtute, [tum] quum maxime furor arderet Antonii, quumque ejus a Brundisio crudelis et pestifer reditus timeretur, nec postulantibus nec cogitantibus, ne optantibus quidem nobis, quia non posse fieri videbatur, firmissimum exercitum ex invicto genere veteranorum militum comparavit, patrimoniumque suum effudit: quamquam non sum usus eo verbo quo debui; non enim effudit; [sed] in rei publicae salute collocavit. Cui quamquam gratia referri tanta non potest quanta debetur, habenda tamen est tanta quantam maximam animi nostri capere possunt. Quis enim est tam ignarus rerum, tam nihil de re publica cogitans, qui hoc non intelligat, si M. Antonius a Brundisio cum iis copiis, quas se habiturum putabat, Romam, ut minabatur, venire potuisset, nullum genus eum crudelitatis praeteriturum fuisse? quippe qui in hospitis tectis Brundisii fortissimos viros optimosque cives jugulari jusserit, quorum ante pedes ejus morientium sanguine os uxoris respersum esse constabat. Hac ille crudelitate imbutus, quum multo bonis omnibus veniret iratior quam illis fuerat quos trucidarat, cui tandem nostrum aut cui omnino bono pepercisset? Qua peste privato consilio rem publicam—neque enim fieri potuit aliter—Caesar liberavit; qui nisi in hac re publica natus esset, rem publicam scelere Antonii nullam haberemus. Sic enim perspicio, sic judico, nisi unus adolescens illius furentis impetus crudelissimosque conatus cohibuisset, rem publicam funditus interituram

privatis consiliis] He alludes to C. Caesar Octavianus, whom he mentions in the next chapter for the first time in these Orations. Cicero calls him 'puer' in his letters. He was eighteen, says Velleius (ii. 61): "Torpebat oppressa dominatione Antonii civitas: indignatio et dolor omnibus, vis ad resistendum nulli aderat, quum C. Caesar XIX annum ingressus, mira ausus ac summa consecutus, privato consilio, majorem senatu pro re publica animum habuit; primumque a Calatia, mox a Casilino veteranos excivit paternos."

2. *ne optantibus*] Faernus, Muretus, and others have preferred this reading to 'nec opinantibus' D. V has 'nec optantibus.' Halm has 'ne optantibus.'—'patrimonium:' see Introd. to these Orations (p. 445).

jusserit] V. Halm; 'jussit' D. When the four legions from Macedonia had come to Brundisium, they were mutinous (see the Introd. to this Oration).

bonis omnibus] V. D has 'hominibus' in place of 'omnibus,' a common variation. 'Nobis omnibus' Guil. Christ, followed by Halm.

rem publicam . . . nullam] What a confession, that they could not take care of themselves, and must be saved by a boy. Cicero says in a letter to Cornificius (Ad Div. xii. 25): "Puer enim egregius praesidium sibi primum et nobis, deinde summae rei publicae comparavit, qui nisi fuisset, Antonii reditus a Brundisio pestis patriae fuisset."

fuisse. Cui quidem hodierno die, patres conscripti, nunc enim primum ita convenimus ut illius beneficio possemus ea quae sentiremus libere dicere, tribuenda est auctoritas, ut rem publicam non modo a se susceptam, sed etiam a nobis commendatam possit defendere.

III. Nec vero de legione Martia, quoniam longo intervallo loqui nobis de re publica licet, sileri potest. Quis enim unus fortior, quis amicior umquam rei publicae fuit, quam legio Martia universa? Quae quum hostem populi Romani M. Antonium judicasset, comes esse ejus amentiae noluit; reliquit consulem. Quod profecto non fecisset, si eum consulem judicasset, quem nihil aliud agere, nihil moliri nisi caedem civium atque interitum civitatis videret. Atque ea legio consedit Albae. Quam potuit urbem eligere aut opportuniorem ad res gerendas aut fideliorem aut fortiorum virorum aut amiciorum rei publicae civium? Hujusce legionis virtutem imitata quarta legio, duce L. Egnatuleio quaestore, civi optimo et fortissimo, C. Caesaris auctoritatem atque exercitum persecuta est. Faciundum est igitur nobis, patres conscripti, ut ea, quae sua sponte clarissimus adolescens atque omnium praestantissimus gessit et gerit, haec auctoritate nostra comprobentur, veteranorumque fortissimorum virorum, tum legionis Martiae quartaeque mirabilis consensus ad rem publicam recuperandam laude et testimonio nostro confirmetur; eorumque commoda, honores, praemia, quum consules designati magistratum inierint, curae nobis fore hodierno die spondeamus.

IV. Atque ea quidem, quae dixi de Caesare deque ejus exercitu, jam diu nota sunt nobis. Virtute enim admirabili Caesaris constantiaque militum veteranorum legionumque earum quae optimo judicio auctoritatem nostram, libertatem populi Romani, virtutem Caesaris secutae sunt, a cervicibus nostris est depulsus Antonius. Sed haec, ut dixi, superiora: hoc vero recens edictum D. Bruti,

hodierno die] It was the xiii. Kal. Jan. or the 20th of December B.C. 44 (Ad Div. xi. 6, to D. Brutus; and Ad Div. xii. 25).—'illius beneficio:' he means Caesar, whose measures had compelled Antonius to leave Rome, as Cicero means to say, and thus had given the senate the opportunity of meeting without danger (see the Introd. to this Oration).

3. *Albae*] Alba Longa on the Alban Hills. The story is that Tullus Hostilius destroyed it; but if he did, it was rebuilt, and it was now inhabited. Appian (B. C. iii. c. 45) says that Antonius after returning to Rome heard of the revolt of the Martia as he was entering the senate house; and while he was deliberating there he heard that the Quarta also had gone over to Caesar. After staying a short time in the senate house he went to Alba to persuade the mutineers to return. But not succeeding in recalling them to obedience, he retired to Tibur with the remaining legions (see the Introduction, Phil. iii.).

4. *edictum*] Cicero writing to D. Brutus (Ad Div. xi. 6) says: "Quum tribuni pl. edixissent senatus adesset a. d. xiii Kal. Jan. haberentque in animo de praesidio con-

quod paullo ante propositum est, certe silentio non potest praeteriri. Pollicetur enim se provinciam Galliam retenturum in senatus populique Romani potestate. O civem natum rei publicae, memorem sui nominis imitatoremque majorum. Neque enim Tarquinio expulso majoribus nostris tam fuit optata libertas quam est depulso jam Antonio retinenda nobis. Illi regibus parere jam a condita urbe didicerant: nos post reges exactos servitutis oblivio ceperat. Atque ille Tarquinius, quem majores nostri non tulerunt, non crudelis, non impius, sed superbus est habitus et dictus; quod nos vitium in privatis saepe tulimus, id majores nostri ne in rege quidem ferre potuerunt. L. Brutus regem superbum non tulit: D. Brutus sceleratum atque impium regnare patietur Antonium? Quid Tarquinius tale, qualia innumerabilia et fecit et facit Antonius? Senatum etiam reges habebant; nec tamen, ut Antonio senatum habente, in consilio regis versabantur barbari armati. Servabant auspicia reges, quae hic consul augurque neglexit, neque solum legibus contra auspicia ferendis, sed etiam collega una ferente eo quem ipse ementitis auspiciis vitiosum fecerat. Quis autem rex umquam fuit tam insignite impudens ut haberet omnia commoda, beneficia, jura regni venalia? Quam hic immunitatem, quam civitatem, quod praemium non vel singulis hominibus vel civitatibus vel universis provinciis vendidit? Nihil humile de Tarquinio, nihil sordidum accepimus: at vero hujus domi inter quasilla pendebatur aurum, numerabatur pecunia; una in domo omnes quorum intererat totum imperium populi Romani nundinabantur. Supplicia vero in cives Romanos nulla Tarquinii accepimus: at hic et Suessae jugulavit eos quos in custodiam dederat, et Brundisii ad trecentos fortissimos viros civesque optimos trucidavit. Postremo Tarquinius pro populo Romano bellum gerebat tum quum est expulsus: Antonius contra populum Romanum exercitum adducebat tum quum a legionibus relictus

sulum designatorum referre, quamquam statueram in senatum ante Kal. Jan. non venire, tamen quum eo ipso die edictum tuum propositum esset, nefas esse duxi aut ita haberi senatum ut de tuis divinis in rem publicam meritis sileretur, quod factum esset nisi ego venissem, aut etiam si quid de te honorifice diceretur, me non adesse." See the Introduction to this Oration.

barbari armati] The Ituraei, I suppose, whom he has mentioned in Phil. ii.—'vitiosum fecerat:' Phil. i. c. 13, and the general Introduction. He means Dolabella. 'Vitiosum' is the same as 'vitiose creatum.'

Nihil humile de Tarquinio] He says the same of Antonius, Phil. i. c. 13, when he had still some hopes of coming to terms with him.

quasilla] V[1] a t. This is confirmed by Servius, Ad Virg. Eclog. ii. 45: "Sane *calathus* Graecum est: nam Latine quasillum dicitur. Cicero in Philipp. iii.: At vero hujus domi inter quasilla appendebatur aurum" (ed. Masvic.). 'Quasillum' is a diminutive of 'qualus.' This business was done among the women's work baskets, 'in gynaeceo,' as he says in the Second Philippic.—'nundinabantur:' see Phil. ii. c. 14.

nomen Caesaris exercitumque pertimuit, neglectisque sacrificiis sollemnibus ante lucem vota ea quae numquam solveret nuncupavit; et hoc tempore in provinciam populi Romani conatur invadere. Majus igitur a D. Bruto beneficium populus Romanus et habet et exspectat quam majores nostri acceperunt a L. Bruto, principe hujus maxime conservandi generis et nominis. V. Quum autem omnis servitus est misera, tum vero intolerabilis est servire impuro, impudico, effeminato, numquam ne in metu quidem sobrio. Hunc igitur qui Gallia prohibet, privato praesertim consilio, judicat verissimeque judicat non esse consulem. Faciendum est igitur nobis, patres conscripti, ut D. Bruti privatum consilium auctoritate publica comprobemus. Nec vero M. Antonium consulem post Lupercalia debuistis putare. Quo enim ille die populo Romano inspectante, nudus, unctus, ebrius est contionatus et id egit ut collegae diadema imponeret, eo die se non modo consulatu, sed etiam libertate abdicavit. Esset enim ipsi certe statim serviendum, si Caesar ab eo regni insignia accipere voluisset. Hunc igitur ego consulem, hunc civem Romanum, hunc liberum, hunc denique hominem putem, qui foedo illo et flagitioso die et quid pati Caesare vivo posset et quid eo mortuo consequi ipse cuperet ostendit? Nec vero de virtute, constantia, gravitate provinciae Galliae taceri potest. Est enim ille flos Italiae, illud firmamentum imperii populi Romani, illud ornamentum dignitatis. Tantus autem est consensus municipiorum coloniarumque provinciae Galliae, ut omnes ad auctoritatem hujus ordinis majestatemque populi Romani defendendam conspirasse videantur. Quamobrem, tribuni plebis, quamquam vos nihil aliud nisi de praesidio, ut senatum tuto consules Kalendis Januariis habere possent rettulistis, tamen mihi videmini magno consilio atque optima mente potestatem nobis de tota re publica fecisse dicendi. Quum enim tuto senatum haberi sine praesidio non posse judica-

sacrificiis sollemnibus] Such as a consul used to make before he set out to his province. At the same time he used to make vows ('vota nuncupabat') for a happy issue to his affairs, and the vows were performed when he returned; if he was successful, I suppose. If he got nothing by his vows, of course he had nothing to be thankful for. Cicero says that Antonius will never have to pay his vows. His end will be bad.. So it was; but Cicero's came first.

5. *intolerabilis*] V. D. Halm. 'Intolerabile' is the common reading in the editions. Ferrarius suggests "*intolerabil' est* more veterum qui vocales conjungebant."—'privato praesertim:' D. Brutus had no instructions from the senate to keep the consul Antonius out of Gallia Cisalpina.

Lupercalia] See the general Introd. and Phil. ii. c. 34.

tribuni plebis] See c. 15. Antonius left Rome IV. Kal. Dec. The Tribuni entered on their office IV. Id. Dec. according to custom, but they did not summon the senate till XIII. Kal. Dec. Accordingly Cicero says (c. 1), "Serius omnino" &c. (Manutius.)

vistis, tum statuistis etiam intra muros Antonii scelus audaciamque versari.

VI. Quamobrem omnia mea sententia complectar, vobis, ut intelligo, non invitis, ut et praestantissimis ducibus a nobis detur auctoritas, et fortissimis militibus spes ostendatur praemiorum et judicetur non verbo, sed re, non modo non consul, sed etiam hostis Antonius. Nam si ille consul, fustuarium meruerunt legiones quae consulem reliquerunt; sceleratus Caesar, Brutus nefarius, qui contra consulem privato consilio exercitus comparaverunt: si autem militibus exquirendi sunt honores novi propter eorum divinum atque immortale meritum, ducibus autem ne referri quidem potest gratia, quis est qui eum hostem non existimet, quem qui armis persequantur conservatores rei publicae judicantur? At quam contumeliosus in edictis, quam barbarus, quam rudis! Primum in Caesarem [ut] maledicta congessit, deprompta ex recordatione impudicitiae et stuprorum suorum. Quis enim hoc adolescente castior, quis modestior? quod in juventute habemus illustrius exemplum veteris sanctitatis? quis autem illo maledico impurior? Ignobilitatem objicit C. Caesaris filio, cujus etiam natura pater, si vita suppeditasset, consul factus esset.—Aricina mater.—Trallianam aut Ephesiam putes dicere. Videte quam despiciamur omnes qui sumus e municipiis, id est omnes plane: quotus enim quisque nostrum non est? Quod autem municipium non contemnit is qui Aricinum tanto opere despicit, vetustâte antiquissimum, jure foederatum, pro-

6. *ducibus*] C. Caesar 'the puer,' and D. Brutus.

fustuarium] The punishment of being beaten with 'fustes,' even to death. Servius says (Ad Aen. vi. 825, 'saevumque securi Aspice Torquatum'): "sed filium, ut dicit Livius, *Fustuario necavit*. Ergo *saevum* securi, saevum jure occidendi, non ferri genere: nam securi non animadvertit in filium." But Livy says nothing of the Fustuarium in this passage (8, c. 7). In 5, c. 6, Livy uses the word.

ne referri quidem] 'if we cannot even be grateful enough to the commanders.'—'persequantur:' V. Halm; 'persequuntur' D. The subjunctive means 'because they are making war against him.'—'maledico:' 'qui male dicit' (Halm).

natura] 'naturalis' D. 'Naturalis' was also used in this sense. His 'own father.' The Romans used 'naturalis' as opposed to 'adoptivus.' C. Octavius, C. Caesar's father, attained the rank of Praetor, and was afterwards governor of Macedonia. After returning from his province, he died suddenly, before he had declared himself a candidate for the consulship.—'Aricina:' from Aricia. 'You might suppose,' says Cicero, 'he was speaking of her as if she were a woman of Tralles or Ephesus,' an Asiatic Greek. Octavius' wife Atia was the daughter of M. Atius Balbus, who married Julia, the Dictator's younger sister. After Octavius' death Atia married L. Marcius Philippus. Suetonius (Augustus, c. 4) says: "Balbus paterna stirpe Aricinus, multis in familia senatoriis imaginibus, a matre Magnum Pompeium arctissimo contingebat gradu.—Verum M. Antonius despiciens etiam maternam Augusti originem, proavum ejus Afri generis fuisse, et modo unguentariam tabernam, modo pistrinum Ariciae exercuisse." The Gens Octavia was from Velitrae.

quotus enim] Many of the great Roman families came from Italian municipia. See Pro Plancio, c. 8.—'Aricinum:' Aricia, La Riccia, on the Via Appia, sixteen miles from Rome, was an old Latin town.

pinquitate paene finitimum, splendore municipum honestissimum? Hinc Voconiae, hinc Atiniae leges; hinc multae sellae curules et patrum memoria et nostra; hinc equites Romani lautissimi et plurimi. Sed si Aricinam uxorem non probas, cur probas Tusculanam? Quamquam hujus sanctissimae feminae atque optimae pater, M. Atius Balbus, in primis honestus, praetorius fuit: tuae conjugis, bonae feminae, locupletis quidem certe, Bambalio quidam pater, homo nullo numero. Nihil illo contemptius, qui propter haesitantiam linguae stuporemque cordis cognomen ex contumelia traxerit. —At avus nobilis.—Tuditanus nempe ille, qui cum palla et cothurnis nummos populo de rostris spargere solebat. Vellem hanc contemptionem pecuniae suis reliquisset. Habetis nobilitatem generis gloriosam. Qui autem evenit ut tibi Julia natus ignobilis videatur, quum tu eodem materno genere soleas gloriari? Quae porro amentia est eum dicere aliquid de uxorum ignobilitate, cujus pater Numitoriam Fregellanam proditoris filiam habuerit uxorem, ipse ex libertini filia susceperit liberos? Sed hoc clarissimi viri viderint, L. Philippus qui habet Aricinam uxorem, C. Marcellus qui Aricinae filiam; quos certo scio dignitatis optimarum feminarum non poenitere. VII. Idem etiam Q. Ciceronem fratris mei

Voconiae] He means that Q. Voconius Saxa, who proposed the Lex Voconia (Index, Vol. i. and Pro Balbo, c. 8, Vol. iv.), was from Aricia. There is a reading 'Scantiniae' in place of 'Atiniae.' (See Ver. ii. 1, c. 42.) There were at least two Leges Atiniae. One of them, which gave the rank of senator to a tribune, probably was proposed by C. Atinius, tr. pl. B.C. 130. Another Lex Atinia allowed no 'usucapion' in a stolen thing (Gaius ii. 45. 49; Justin. Inst. ii. 6, § 2, and Schrader's note).

Bambalio] M. Fulvius Bambalio, the father of Antonius' wife Fulvia. It seems that he was of Tusculum. Bambalio means stammerer: βαμβαίνει μεν γλῶσσα, Bion, Id. iv. 9. See Phil. ii. 36.

traxerit] D. 'traxit tarxerat (sic) V' Halm, who writes 'traxerat.'

At avus] A supposed answer. But Fulvia's grandfather was 'nobilis.' Her maternal grandfather Sempronius.—'Tuditanus:' "quam certae, quam etiam notae insaniae Tuditanus, utpote qui populo nummos sparserit, togamque velut tragicam vestem in foro trahens maximo cum hominum risu conspectus fuerit, ac multa his consentanea fecerit" (Val. Max. vii. 8, 1).

Julia] V. 'Aricina' D. Octavius was the son of Atia, and grandson of Julia. Antonius' mother was also a Julia, the daughter of L. Julius Caesar, a consular. The critics have attempted to mend this passage. Ferrarius conjectures 'Juliae filia natus.' Halm suggests 'Julia avia natus.' But no change seems necessary. Antonius was a descendant of Julia.

Numitoriam] M. Antonius, the father, married her before he married Julia. Q. Numitorius Pullus of Fregellae, a Volscian town on the Liris, made known to the Romans a conspiracy of the Fregellani. It seems that he was a traitor both ways, that he first conspired, and then betrayed the conspirators (De Invent. ii. c. 34). Fregellae was destroyed by the praetor L. Opimius.—'ex libertini:' Q. Fadius' daughter. —'L. Philippus:' now the second husband of Atia, Caesar's mother. C. Marcellus, consul B.C. 50, married Atia's daughter Octavia, by whom he had Marcellus, who died young. Octavia was afterwards the fourth wife of M. Antonius.

7. *Q. Ciceronem*] It seems that he was first on the side of M. Antonius (Ad Att. xiv. 20). He had changed now; or Antonius thought that he had. Cicero's praise of his nephew is more than he deserved; at least he often speaks of his past conduct in different terms (Ad Att. x. 4; xi. 10).

filium compellat edicto, nec sentit amens commendationem esse compellationem suam. Quid enim accidere huic adolescenti potuit optatius quam cognosci ab omnibus Caesaris consiliorum esse socium, Antonii furoris inimicum? At etiam gladiator ausus est scribere hunc de patris et patrui parricidio cogitasse. O admirabilem impudentiam, audaciam, temeritatem! in eum adolescentem hoc scribere audere, quem ego et frater meus propter ejus suavissimos atque optimos mores praestantissimumque ingenium certatim amamus omnibusque horis oculis, auribus, complexu tenemus? Nam me isdem edictis nescit laedat an laudet. Quum idem supplicium minatur optimis civibus, quod ego de sceleratissimis ac pessimis sumpserim, laudare videtur quasi imitari velit; quum autem illam pulcherrimi facti memoriam refricat, tum a sui similibus invidiam aliquam in me commoveri putat.

VIII. Sed quid fecit ipse? Quum tot edicta proposuisset, edixit ut adesset senatus frequens a. d. VIII. Kalendas Decembres; eo die ipse non adfuit. At quomodo edixit? Haec sunt, ut opinor, verba in extremo: Si quis non adfuerit, hunc omnes existimare poterunt et interitus mei et perditissimorum consiliorum auctorem fuisse.—Quae sunt perdita consilia? An ea quae pertinent ad libertatem populi Romani recuperandam? quorum consiliorum Caesari me auctorem et hortatorem et esse et fuisse fateor. Quamquam ille non eguit consilio cujusquam, sed tamen currentem, ut dicitur, incitavi. Nam interitus quidem tui quis bonus non esset auctor, quum in eo salus et vita optimi cujusque, libertas populi Romani dignitasque consisteret? Sed quum tam atroci edicto nos concitavisset, cur ipse non adfuit? Num putatis aliqua re tristi ac severa? Vino atque epulis retentus [est], si illae epulae potius quam popinae nominandae sunt. Diem edicti obire neglexit: in ante diem quartum Kalendas Decembres distulit. Adesse in Capitolio jussit, quod in templum ipse nescio qua per Gallorum cuniculum ascendit. Con-

laedat] 'blame.' 'Laedere' is sometimes opposed to 'laudare.'—'memoriam refricat:' the affair of Catilina's associates. See Pro Sulla, c. 6, Vol. iii., and the note on 'refricare.'

8. *proposuisset*] The usual word, and it is in the editions. Halm says that his MSS. have 'posuisset.'—'a. d.:' 'ad' V. D., a usual error: 'a. d.' is 'ante diem,' which here means 'ante diem octavum,' on the eighth day before. See In Cat. i. c. 3, and the note.—'pertinent:' 'pertineant,' Halm.

currentem, ut dicitur] A proverbial expression, as 'ut dicitur' shows.—'in ante diem:' the old reading is 'et ante diem.' V. has 'in;' and V². D. have 'et.' Ferrarius proves by many examples that 'in ante' is the true expression here (comp. In Cat. i. c. 3), and, as he says, the Romans also wrote 'ex ante diem.' He quotes a very old inscription which contains 'ex a. d. v K. Dec. ad pr. K. Ian.' Muretus proposes 'et in ante diem.'

Gallorum cuniculum] See Pro Caecina, c. 30, Vol. ii.

venerunt corrogati, et quidem ampli quidam homines, sed immemores dignitatis suae. Is enim erat dies, ea fama, is qui senatum vocarat, ut turpe senatori esset nihil timere. Ad eos tamen ipsos qui convenerant ne verbum quidem ausus est facere de Caesare, quum de eo constituisset ad senatum referre. Scriptam attulerat consularis quidam sententiam. Quid est aliud de eo referre non audere, qui contra se consulem exercitum duceret, nisi se ipsum hostem judicare? Necesse erat enim alterutrum esse hostem, nec poterat aliter de adversariis judicari ducibus. Si igitur Caesar hostis, cur consul nihil referat ad senatum? Sin ille a senatu notandus non fuit, quid potest dicere quin, quum de illo tacuerit, se hostem confessus sit? Quem in edictis Spartacum appellat, hunc in senatu ne improbum quidem dicere audet. IX. At in rebus tristissimis quantos excitat risus. Sententiolas edicti cujusdam memoriae mandavi, quas videtur ille peracutas putare: ego autem qui intelligeret quid dicere vellet adhuc neminem inveni. 'Nulla contumelia est quam facit dignus.' Primum quid est Dignus? nam etiam malo digni multi, sicut ipse. An quam facit is qui cum dignitate est? quae autem potest esse major? Quid est porro, Facere contumeliam? quis sic loquitur? Deinde: 'Nec timor quem denuntiat inimicus.' Quid ergo? ab amico timor denuntiari solet? Horum similia deinceps. Nonne satius est mutum esse quam quod nemo intelligat dicere? En, cur magister ejus ex oratore arator factus sit, possideat in agro publico campi Leontini duo millia jugerum immunia, ut hominem stupidum magis etiam infatuet mercede publica. Sed haec leviora fortasse: illud quaero, cur tam subito mansuetus in senatu fuerit, quum in edictis tam ferus fuisset. Quid enim attinuerat L. Cassio, tribuno plebis fortissimo et constantis-

referat] V. 'refert' D. 'referebat' Halm. — 'Spartacum:' the gladiator, who headed the slaves in the Servile War. See Index, Vol. i.

9. *malo digni*] 'worthy of punishment.' Cicero means that 'dignus' alone conveys no clear meaning in the 'sententiola.' If the 'contumelia' is done by one 'qui cum dignitate est,' by a man who has merit, it is so much the worse for him to whom it is done, because the character of him who does it makes the 'contumelia' appear to be a proper punishment. 'Cum dignitate' is like the expression 'cum potestate,' 'cum imperio.' Quintilian (ix. 3) has a remark on 'facere contumeliam.' He says, "Nam receptis etiam vulgo auctore contenti sumus. Ut nunc evaluit *rebus agentibus*, quod Pollio in Labieno damnat: et *contumeliam fecit*, quod a Cicerone reprehendi notum est: '*affici* enim *contumelia* dicebant.'"

arator] See Vol. i. Index, 'Aratores.' He means Antonius' rhetoric master, Sex. Clodius, who was so well paid to make a greater fool of Antonius at the public cost ('infatuet mercede publica'). Comp. Pro Flacco, c. 19, and the note.

L. Cassio] See Phil. i. c. 15, and the note on 'duobus tribunis pl.' L. Cassius was the brother of C. Cassius.—'contentionibus:' 'contionibus et saepe et jure contentionibusq. vexatus' V. Perhaps we should read 'contionibus' in place of 'contentionibus' in the text of Cicero.

simo civi, mortem denuntiare, si in senatum venisset; D. Carfulenum, bene de re publica sentientem, e senatu vi et minis mortis expellere; Ti Canutium, a quo erat honestissimis contentionibus et saepe et jure vexatus, non templo solum, verum etiam aditu prohibere Capitolii. Cui senatusconsulto ne intercederent verebatur? De supplicatione, credo, M. Lepidi clarissimi viri. Atque id erat periculum, de cujus honore extraordinario quotidie aliquid cogitabamus, ne ejus usitatus honos impediretur. Ac ne sine caussa videretur edixisse ut senatus adesset, quum de re publica relaturus fuisset, allato nuntio de legione Quarta mente concidit, et fugere festinans senatusconsultum de supplicatione per discessionem fecit, quum id factum esset antea numquam.

X. Quae vero profectio postea, quod iter paludati, quae vitatio

ne intercederent] Lest the Tribuni should put their 'veto.' He says 'de supplicatione, credo,' ironically. Caesar had given Lepidus the provinces of Gallia Narbonensis and Hispania Citerior. He was still with some troops before the city at the time of Caesar's death. Plutarch (Caesar, c. 67) seems to mean to say that Lepidus was in the senate-house when Caesar was killed; but Dion (44, c. 2) and Appian (ii. c. 118) say that he was not. Appian says that Lepidus was in the Forum when he heard of Caesar's death. He went to his provinces with a commission to come to terms with Sex. Pompeius in Spain. The bargain was made with Pompeius, who was to be indemnified by the state for the loss of his father's property. In the session of the 28th of November, Antonius got the 'supplicatio' granted in honour of Lepidus' bargain with Pompeius.

de legione Quarta] See c. 3, and the note.—'per discessionem:' "senatusque consultum fieri duobus modis, aut per discessionem, si consentiretur; aut si res dubia esset, per singulorum sententias exquisitas" (Varro, quoted by Gellius xiv. c. 7). Gellius appears to suppose that this did not agree with what Ateius Capito "in conjectaneis scriptum reliquit. Nam in libro ducentesimo quinquagesimo nono Tuberonem dicere ait, nullum senatusconsultum fieri posse non discessione facta, quia in omnibus senatusconsultis, etiam in iis quae per relationem fierent, discessio esset necessaria, idque ipse Capito verum esse affirmat." But Gellius says that he writes about all this more particularly in another place. However, whether Gellius misunderstood it or not, it is certain that a 'senatusconsultum per discessionem factum' is a Sctum made 'per discessionem' simply, when the senate were unanimous, or when it was made without any discussion or talk. When a Sctum was made after discussion, it was said to be made 'per relationem;' but still a 'discessio' was necessary. In this instance, as Becker says (Handbuch, &c. ii. 2, p. 435), the strangeness of the proceeding consisted in Antonius not asking the senators their opinion, for on such occasions it was usual for the consul to call on the senators to speak (sententiae rogabantur), and thus to give the friends of the man who was to be honoured the opportunity of saying something about him. Becker observes that when Antonius had moved in the senate to 'abolish the Dictatorship, it was done at once,' "de qua ne sententias quidem diximus" (Phil. i. c. 1): it was done simply 'per discessionem.' To this practice Ateius Capito opposes 'senatusconsultum per relationem facere,' after debate. Becker also quotes the Lex De Imp. Vespas. Haubold. Mon. Leg. p. 222: VTIQVE, EI, SENATVM, HABERE, RELATIONEM, FACERE, REMITTERE, SENATVSCONSVLTA, PER, RELATIONEM, DISCESSIONEMQVE, FACERE, LICEAT. See Verr. ii. 4, c. 65, Vol. i., and the note.

10. *paludati*] He went out 'paludatus,' wearing the 'paludamentum.' See Index, Vol. i. Appian (B. C. iii. c. 46) says that when Antonius retired to Tibur, nearly all the senate and most of the Equites, and the most respectable part of the Plebs went there to pay their respects to him. He went on to Ariminum with his troops in splendid style.—'vespertina:' he is speaking ironically. It was not usual to make Scta in the evening. The rule was that a Sctum made before sunrise, or after sunset was not valid (Varro, quoted by Gellius xiv. 7). But this rule was not always observed, as

oculorum, lucis, urbis, fori, quam misera fuga, quam foeda, quam turpis! Praeclara tamen senatusconsulta illo ipso die vespertina, provinciarum religiosa sortitio, divina vero opportunitas, ut quae cuique apta esset ea cuique obveniret. Praeclare igitur facitis, tribuni plebis, qui de praesidio consulum senatusque referatis, meritoque vestro maximas vobis gratias omnes et agere et habere debemus. Qui enim periculo carere possumus in tanta hominum cupiditate et audacia? ille autem homo afflictus et perditus quae de se exspectat judicia graviora quam amicorum suorum? Familiarissimus ejus, mihi homo conjunctus, L. Lentulus et P. Naso, omni carens cupiditate, [nullam se habere provinciam,] nullam Antonii sortitionem fuisse judicaverunt. Quod idem fecit L. Philippus, vir patre, avo, majoribus suis dignissimus. In eadem sententia fuit homo summa integritate atque innocentia, C. Turranius. Idem fecit Sp. Oppius; ipsi etiam, qui amicitiam M. Antonii veriti plus ei tribuerunt quam fortasse vellent, M. Piso, necessarius meus et vir et civis egregius, parique innocentia M. Vehilius senatus auctoritati se obtemperaturos esse dixerunt. Quid ego de L. Cinna loquar? cujus spectata multis magnisque rebus singularis integritas minus admirabilem facit hujus honestissimi facti gloriam, qui omnino provinciam neglexit, quam item magno animo et constanti C. Cestius repudiavit. Qui sunt igitur reliqui quos sors divina delectet? L. Annius, M. Antonius. O felicem utrumque! nihil enim maluerunt. C. Antonius Macedoniam. Hunc quoque felicem! hanc enim semper habebat in ore provinciam. C. Calvisius Africam.

some instances show. The 'sortitio' of the Provinciae was not 'religiosa.' He is still speaking ironically. The 'divina' is again ironical. The 'sors' was called 'divina' because the gods were supposed to direct it. See Divin. c. 14, and the note, Vol. I. (See the Introd. to Phil. iii.)

periculo carere] V., 'carere metu et periculo' D.—'nullam ... provinciam:' "om. V¹. quod vereor ne sit glossema" (Halm).

L. Philippus] Consul B.C. 56, and the step-father of young Caesar. He was the son of a distinguished orator, L. Marcius Philippus (Brutus, c. 47; Pro P. Quintio, c. 22, and the note). He has often been confounded with his father by the commentators.

M. Piso] I find nothing more about him.—'C. Cestius:' the name is generally printed 'C. Caesetius.' Cestius may be the 'familiaris' of Cicero (Ad Att. v. 13).—'L. Annius:' V. But D. has 'T. Antonius,' though t omits 'T.' On 'M. Antonium' Manutius says: "I conjecture that Gallia Citerior, which M. Antonius wished to have, fell to him by lot, this province having been put to the lot, together with the rest." If it was put into the urn with the rest, Antonius contrived that it came out as he wished.

C. Calvisius] Sabinus, who was sent into Aetolia by Caesar in the Civil War (B.C. iii. 34). There is a letter of Cicero, written in B.C. 43 (Ad Div. xii. 25), to Cornificius, the governor of Africa, whom Calvisius wished to supersede. Cicero says: "Ego, mi Cornifici, quo die primum in spem libertatis ingressus sum et cunctantibus ceteris a. d. XIII Kal. Jan. fundamenta jeci rei publicae, eo ipso die providi multum atque habui rationem dignitatis tuae; mihi enim est assensus senatus de obtinendis provinciis. Nec vero postea destiti labefactare eum, qui summa cum tua injuria contumeliaque rei publicae provinciam absens obtinebat."

Nihil felicius! Modo enim ex Africa decesserat et quasi divinans se rediturum duos legatos Uticae reliquerat. Deinde M. Cusini Sicilia, Q. Cassii Hispania. Non habeo quid suspicer. Duarum credo provinciarum sortes minus divinas fuisse. XI. O C. Caesar, adolescentem appello, quam tu salutem rei publicae attulisti, quam improvisam, quam repentinam! Qui enim haec fugiens fecerit, quid faceret insequens? Etenim in contione dixerat se custodem futurum urbis, seque usque ad Kalendas Maias ad urbem exercitum habiturum. O praeclarum custodem ovium, ut aiunt, lupum! Custosne urbis an direptor et vexator esset Antonius? Et quidem se introiturum in urbem dixit exiturumque quum vellet. Quid illud? Nonne audiente populo sedens pro aede Castoris dixit nisi qui vicisset victurum neminem?

Hodierno die primum, [patres conscripti,] longo intervallo in possessionem libertatis pedem ponimus, cujus quidem ego quoad potui non modo defensor, sed etiam conservator fui. Quum autem id facere non possem, quievi; nec abjecte nec sine aliqua dignitate casum illum temporum et dolorem tuli. Hanc vero taeterrimam belluam quis ferre posset aut quomodo? Quid est in Antonio praeter libidinem, crudelitatem, petulantiam, audaciam? Ex his totus conglutinatus est. Nihil apparet in eo ingenuum, nihil moderatum, nihil pudens, nihil pudicum. Quapropter, quoniam res in id discrimen adducta est, utrum ille poenas rei publicae luat an nos serviamus, aliquando, per deos immortales, patres conscripti, patrium animum virtutemque capiamus, ut aut libertatem propriam Romani et generis et nominis recuperemus aut mortem servituti anteponamus. Multa quae in libera civitate ferenda non essent tulimus et perpessi sumus, alii spe forsitan recuperandae libertatis, alii vivendi nimia cupiditate. Sed si illa tulimus, quae nos necessitas ferre coegit, quae vis quaedam paene fatalis, quae tamen ipsa non tulimus, etiamne hujus impuri latronis feremus taeterrimum crudelissimumque dominatum?

Deinde . . . Hispania] The name 'Cusini' is corrupt, and something else is wrong. Some editions have 'M. Iccius Siciliam.'—'minus divinas:' he is sneering at the 'sortes.' Q. Cassius was a brother of Caius. He says that these two men, who were not friends of M. Antonius, got provinces, and therefore the 'sortes' so far were right, and 'minus divinae' in the bad sense.

11. *seque usque*] Muretus. V. has 'sequasq.' D. has 'usque.'

custodem ovium] A proverb, as 'ut aiunt' shows. Muretus compares Terence, Eunuchus, v. 1. 16: "Scelesta, ovem lupo commisisti." See the note on Terence, ed. Parry, who refers to Herodotus iv. 149, where the proverb occurs, *καταλείψειν ὄϊν ἐν λύκοισι.*

introiturum . . . exiturum] Being 'ad portas' with his army, he could not legally enter the city.

quae tamen ipsa non tulimus] 'and yet after all we did not endure them;' for they had got rid of Caesar by killing him.

XII. Quid hic faciet, si poterit, iratus, qui quum succensere nemini posset, omnibus bonis fuerit inimicus? Quid hic victor non audebit, qui nullam adeptus victoriam tanta scelera post Caesaris interitum fecerit, refertam ejus domum exhauserit, hortos compilaverit, ad se ex iis omnia ornamenta transtulerit, caedis et incendiorum caussam quaesierit ex funere, duobus aut tribus senatusconsultis bene et e re publica factis reliquas res ad lucrum praedamque revocaverit, vendiderit immunitates, civitates liberaverit, provincias universas ex imperii populi Romani jure sustulerit, exsules reduxerit, falsas leges C. Caesaris nomine et falsa decreta in aes incidenda et in Capitolio figenda curaverit, earumque rerum omnium domesticum mercatum instituerit, populo Romano leges imposuerit, armis et praesidiis populum et magistratus foro excluserit, senatum stiparit armatis, armatos in cella Concordiae quum senatum haberet incluserit, ad legiones Brundisium cucurrerit, ex iis optime sentientes centuriones jugulaverit, cum exercitu Romam sit ad interitum nostrum et ad disperditionem urbis venire conatus? Atque is ab hoc impetu abstractus consilio et copiis Caesaris, consensu veteranorum, virtute legionum, ne fortuna quidem fractus minuit audaciam nec ruere demens nec furere desinit. In Galliam mutilatum ducit exercitum; cum una legione et ea vacillante L. fratrem exspectat, quo neminem reperire potest sui similiorem. Ille autem ex mirmillone dux, ex gladiatore im-

12. *si poterit*] V. Halm; 'si potuerit' D.—'succensere:' the other form of this word in the MSS., which some editors prefer, is 'suscensere.'—'hortos compilaverit:' by carrying off the 'ornamenta,' the pictures and statues. All these acts with which Antonius is charged will be familiar to those who have read the Second Philippic. Those who would read any of these orations should not omit the second.—'ex funere:' Caesar's funeral.—'duobus aut tribus:' such as that for abolishing the dictatorial power.—'in aes incidenda:' the usual material on which Leges and Senatusconsulta, at least some of them, were preserved.

armatis] V., 'armis' D. Halm following Madvig places [armatis] thus. Madvig says that 'armis et praesidiis ... excluserit, senatum stiparit' makes one member, which must be so if we erase 'armatis.' He may be right.

disperditionem] V t and Halm have 'dispersionem.' Neither of them seems to be the right word. Lambinus proposes 'direptionem.'

mutilatum] Two legions had left him, the Martia and Quarta; and it seems that men had deserted from the two other legions which he kept, the second and the thirty-fifth.—'vacillante:' 'vaccillante' V. and Nonius, who quotes this passage 'In Galliam ... vaccillante' (p. 34 M), Halm; who refers to Lachmann in Lucret. p. 37. Lachmann says, "ita *vacillare* saepe prima correpta Lucretius, idem semel in iii. 504 *Tum quasi vaccillans:* sic ibi membranae, et apud Nonium, p. 34, 23, 27 *vaccillare* et *vaccillante;* quodsi, ut videtur, a *vacca* factum est, in hoc, ut in *Catillo* sive *Cattillo* et *Catilo*, item in *ofella* et *mamilla*, consonantes variant, in ceteris vocales." If 'vac-illare' is connected with 'vacca,' it is not connected with 'vacca' in the sense of 'cow,' but in the sense of 'beast of burden,' we have ὄχος, ὀχέω; veho, vacca, vah (gutt.) in the Sanscrit; wagen, ox, ochs (German and English). So 'vacca' is a beast of burden. This is the remark of Dr. Rosen (Rig-Vedae Specimen, p. 9).

mirmillone] All the MSS. quoted by Halm have 'myr.' He conjectures that it

peratör, quas fecit strages ubicumque posuit vestigia. Fundit apothecas; caedit greges armentorum reliquique pecoris, quodcumque nactus est: epulantur milites: ipse autem se, ut fratrem imitetur, obruit vino: vastantur agri: diripiuntur villae: matresfamilias, virgines, pueri ingenui abripiuntur, militibus traduntur. Haec eadem quacumque exercitum duxit fecit M. Antonius. XIII. His vos taeterrimis fratribus portas aperietis, hos umquam in urbem recipietis? non tempore oblato, ducibus paratis, animis militum incitatis, populo Romano conspirante, Italia tota ad libertatem recuperandam excitata, deorum immortalium beneficio utemini? Nullum erit tempus hoc amisso. A tergo, [a] fronte, [a] lateribus tenebitur, si in Galliam venerit. Nec ille armis solum, sed etiam nostris decretis urgendus est. Magna vis est, magnum numen unum et idem sentientis senatus. Videtisne refertum forum, populumque Romanum ad spem recuperandae libertatis erectum, qui longo intervallo quum frequentes hic videt nos, tum sperat etiam liberos convenisse? Hunc ego diem exspectans M. Antonii scelerata arma vitavi tum quum ille in me absentem invehens non intelligebat ad quod tempus me et meas vires reservarem. Si enim tum illi caedis a me initium quaerenti respondere voluissem, nunc rei publicae consulere non possem. Hanc vero nactus facultatem nullum tempus, patres conscripti, dimittam neque diurnum neque nocturnum, quin de libertate populi Romani et dignitate vestra quod cogitandum sit cogitem, quod agendum atque faciendum, id non modo non recusem, sed etiam appetam atque deposcam. Hoc feci, dum licuit: intermisi, quoad non licuit. Jam non solum licet, sed etiam necesse est, nisi servire malumus quam ne serviamus armis animisque decernere. Dii immortales nobis haec praesidia dederunt: urbi Caesarem, Brutum Galliae. Si enim ille urbem opprimere potuisset statim, si Galliam tenere, paullo post optimo cuique pereundum, reliquis

should be 'murmillone.' Juvenal mentions this kind of gladiator (viii. v. 200). As to L. Antonius, see Phil. vii. c. 6.—'fecit:' 'effecit' Halm, 'effecerit' V.

Fundit apothecas] Ernesti. The words are omitted in the MSS., but they are preserved by Servius, Ad Virg. Ecl. vi. 55: "Sic Cicero in Philippicis: Fudit apothecas, cecidit greges armentorum." They broke into the rooms where the wine was kept (apothecae) and emptied them.

13. *numen*] Some inferior MSS. have 'nomen.' Halm refers to Livy (vii. 30): "Annuite, patres conscripti, nutum numenque vestrum invictum Campanis;" and Livy viii. 34: "dictatoris edictum pro numine semper observatum;" and also to the Quum Populo, c. 8, and c. 10, Vol. iii.

Videtisne] Manutius remarks: "therefore the doors of the Templum were open in which the senate sat, which were not open when Antonius was present."

respondere voluissem] On the day on which Antonius attacked Cicero, the XIII Kal. Oct., Cicero was not present, but his Second Philippic is written as if it were a speech made on that day in answer to Antonius (Manutius, and the Introd. to Phil. II.).

quoad] 'quod ad' V[1]. g.

pereundum . . . serviendum] Halm writes 'pereundum *erat*, reliquis serviendum.'

[esset] serviendum. XIV. Hanc igitur occasionem oblatam tenete, per deos immortales, patres conscripti, et amplissimi orbis terrae consilii principes vos esse aliquando recordamini. Signum date populo Romano consilium vestrum non deesse rei publicae, quoniam ille virtutem suam non defuturam esse profitetur. Nihil est quod moneam vos. Nemo est tam stultus qui non intelligat, si indormierimus huic tempori, non modo crudelem superbamque dominationem nobis, sed ignominiosam etiam et flagitiosam ferendam esse. Nostis insolentiam Antonii, nostis amicos, nostis totam domum. Libidinosis, petulantibus, impuris, impudicis, aleatoribus, ebriis servire, ea summa miseria est summo dedecore conjuncta. Quod si jam, quod dii omen avertant, fatum extremum rei publicae venit, quod gladiatores nobiles faciunt ut honeste decumbant, faciamus nos, principes orbis terrarum gentiumque omnium, ut cum dignitate potius cadamus quam cum ignominia serviamus. Nihil est detestabilius dedecore, nihil foedius servitute. Ad decus et libertatem nati sumus: aut haec teneamus aut cum dignitate moriamur. Nimium diu teximus quid sentiremus: nunc jam apertum est; omnes patefecerunt in utramque partem quid sentiant, quid velint. Sunt impii cives, sed pro caritate rei publicae nimium multi, contra multitudinem bene sentientium admodum pauci: quorum opprimendorum dii immortales incredibilem rei publicae potestatem et fortunam dederunt. Ad ea enim praesidia quae habemus jam accedent consules summa prudentia, virtute, concordia, multos menses de rei publicae libertate commentati atque meditati. His

'Esset' is only quoted by Halm as being in g i; and 'erat' is not quoted as being in any MS.

14. *crudelem superbamque*] He has (c. 4) contrasted 'crudelis' and 'superbus.' Tarquinius was not called 'crudelis,' but 'superbus.' 'Superbus' therefore here is not a climax, but expresses a different quality from 'crudelis,' though cruelty is such a vice that it is hardly possible to express our detestation of it by any additional term of reproach. 'Ignominiosa' is 'ignominious' to those who endure the tyranny. 'Ignominia' has often a technical meaning, being the bad repute or bad opinion which is the consequence of some act. 'Flagitium' is any bad act, and such as might be followed by 'ignominia.' If it is so here, the effect is placed before the cause. 'Flagitium' is sometimes coupled with 'scelus.' It is not always easy to assign their exact value to all Cicero's rhetorical words. He has more of the Asiatic abundance of ornament than of the Attic severity of style (Brutus, c. 82; and c. 13 and 95; and Orat. c. 9).

gladiatores] See Pro Sestio, c. 37, and the note.

patefecerunt] a b g; 'patefaciunt patefecerunt' V. Halm has 'patefaciunt.' He says "cum oppositum sit *teximus quid sentiremus*, fere apparet *patefaciunt*, non illam alteram lectionem genuinam esse." V. has 'quid sentiat, quid velit,' that is 'quisque.'

sed pro caritate] V. has 'sed;' but it is omitted in D. "Referendum est *sed* ad vv. *admodum pauci*, cum sit sententia: sunt impii cives, sed, quamquam pro caritate rei p. nimium multi, contra multitudinem tamen bene sentientium admodum pauci." —'contra multitudinem' V., 'pro multitudine' D.

auctoribus et ducibus, diis juvantibus, nobis vigilantibus et multum in posterum providentibus, populo Romano consentiente, erimus profecto liberi brevi tempore. Jucundiorem autem faciet libertatem servitutis recordatio.

XV. Quas ob res, quod tribuni plebis verba fecerunt uti senatus Kalendis Januar. tuto haberi sententiaeque de summa re publica libere dici possint, de ea re ita censeo, uti C. Pansa A. Hirtius consules designati dent operam uti senatus Kalendis Januar. tuto haberi possit; quodque edictum D. Bruti, imperatoris, consulis designati, [optime de republica meriti,] propositum sit, senatum existimare D. Brutum, imperatorem, consulem designatum, optime de re publica mereri, quum senatus auctoritatem populique Romani libertatem imperiumque defendat: quodque provinciam Galliam citeriorem, optimorum et fortissimorum [virorum] amicissimorumque rei publicae civium, exercitumque in senatus potestate retineat, id eum exercitumque ejus, municipia, colonias provinciae Galliae recte atque ordine exque re publica fecisse et facere: senatum ad summam rem publicam pertinere arbitrari ab D. Bruto et L. Planco imperatoribus, consulibus designatis, itemque a ceteris, qui provincias obtinent, obtineri ex lege Julia, quoad ex senatusconsulto cuique eorum successum sit: eosque dare operam ut eae provinciae exercitusque in senati populique Romani potestate praesidioque rei publicae sint: quumque opera, virtute, consilio C. Caesaris summoque consensu militum veteranorum, qui ejus auctoritatem secuti rei publicae praesidio sunt et fuerunt, a gravissimis periculis populus Romanus defensus sit et hoc tempore defendatur: quumque legio Martia Albae constiterit, in municipio fidelissimo et fortissimo, seseque ad senatus auctoritatem populique Romani libertatem contulerit: et quod pari consilio eademque virtute legio Quarta usa, L. Egnatuleio duce, cive egregio, senatus auctoritatem populique Romani libertatem defendat, defenderit, senatui magnae

15. *verba fecerunt*] This is the usual formula, as in 'Quod Q. Aelius Tubero P. Fabius Maximus Coss. V. F. de iis' &c., V. F. means 'verba fecerunt.' (Frontinus, De Aquaeduct, Lib. ii.) We have here the form of the motion upon which the Sctum would be drawn up, and there are several other examples in the subsequent speeches. There is a SC. with all its formal parts in a letter of M. Caelius to Cicero (Ad Div. viii. 8).

de ea re ita censeo] Thus abbreviated in the Sctum, D. E. R. I. C. (Ad Div. viii. 8.)

obtineri ex lege Julia] The Lex Julia de Provinciis. The effect of the next words 'quoad . . . successum sit,' as Manutius observes, was to annul the 'sortitio provinciarum' made by M. Antonius.

curae esse ac fore ut pro tantis eorum in rem publicam meritis honores eis habeantur gratiaeque referantur: senatui placere uti C. Pansa A. Hirtius, consules designati, quum magistratum inissent, si eis videretur, primo quoque tempore de his rebus ad hunc ordinem referrent ita uti e re publica fideque sua videretur.

INTRODUCTION TO THE FOURTH PHILIPPIC.

In this oration Cicero tells the people what had been done in the senate. It seems that he went straight from the Curia to the Forum to make this popular address. In his letter to D. Brutus (Ad Div. xi. 6), after speaking of the senate being summoned by the Tr. pl. for the XIII Kal. Jan., he says that he was in the Curia in the morning: "Quod quum esset animadversum, frequentissimi Senatores convenerunt. Quae de te in senatu egerim, quae in contione maxima dixerim, aliorum te literis malo cognoscere."

ORATIONUM PHILIPPICARUM

LIBER QUARTUS.

I. FREQUENTIA vestrum incredibilis, Quirites, contioque tanta quantam meminisse non videor, et alacritatem mihi summam rei publicae defendendae affert et spem recuperandae [libertatis]. Quamquam animus mihi quidem numquam defuit, tempora defuerunt; quae simulac primum aliquid lucis ostendere visa sunt, princeps vestrae libertatis defendendae fui. Quod si id ante facere conatus essem, nunc facere non possem. Hodierno enim die, Quirites, ne mediocrem rem actam arbitremini, fundamenta jacta sunt reliquarum actionum. Nam est hostis a senatu nondum verbo appellatus, sed re jam judicatus Antonius. Nunc vero multo sum erectior, quod vos quoque illum hostem esse tanto consensu tantoque clamore approbavistis. Neque enim, Quirites, fieri potest ut non aut ii sint impii, qui contra consulem exercitus comparaverunt, aut ille hostis, contra quem jure arma sumpta sunt. Hanc igitur dubitationem, quamquam nulla erat, tamen ne qua posset esse, senatus hodierno die sustulit. C. Caesar, qui rem publicam libertatemque vestram suo studio, consilio, patrimonio denique tutatus est et tutatur, maximis senatus laudibus ornatus est. Laudo, laudo vos, Quirites, quod gratissimis animis prosequimini nomen clarissimi adolescentis vel pueri potius—sunt enim facta ejus immortalitatis, nomen aetatis: multa memini, multa audivi, multa legi, Quirites: nihil ex omni saeculorum memoria tale cognovi—qui, quum servitute premeremur, in dies malum cresceret, praesidii nihil haberemus, capi-

1. *vestrum*] 'vestra' g.—'clamore:' there was a shout when the people heard that Antonius was declared an enemy, and this encouraged Cicero (Manutius). Other signs of approbation followed when Cicero pronounced Caesar's name, as we see by the words 'Laudo, laudo,' &c.

qui, quum] This of course refers to 'adolescentis' and 'pueri.' What comes between is parenthetical matter.

talem et pestiferum a Brundisio tum M. Antonii reditum timeremus, hoc insperatum omnibus consilium, incognitum certe ceperit, ut exercitum invictum ex paternis militibus conficeret Antoniique furorem crudelissimis consiliis incitatum a pernicie rei publicae averteret. II. Quis est enim qui hoc non intelligat, nisi Caesar exercitum paravisset, non sine exitio nostro futurum Antonii reditum fuisse? Ita enim se recipiebat ardens odio vestri, cruentus sanguine civium Romanorum, quos Suessae, quos Brundisii occiderat, ut nihil nisi de pernicie populi Romani cogitaret. Quod autem praesidium erat salutis libertatisque vestrae, si C. Caesaris fortissimorum sui patris militum exercitus non fuisset? cujus de laudibus et honoribus, qui ei pro divinis et immortalibus meritis divini immortalesque debentur, mihi senatus assensus paullo ante decrevit ut primo quoque tempore referretur. Quo decreto quis non perspicit Antonium hostem esse judicatum? Quem enim possumus appellare eum contra quem qui exercitus ducunt iis senatus arbitratur singulares exquirendos honores? Quid legio Martia, quae mihi videtur divinitus ab eo deo traxisse nomen, a quo populum Romanum generatum accepimus, non ipsa suis decretis prius quam senatus hostem judicavit Antonium? Nam si ille non hostis, hos qui consulem reliquerunt hostes necesse est judicemus. Praeclare et loco, Quirites, reclamatione vestra factum pulcherrimum Martialium comprobastis; qui se ad senatus auctoritatem, ad libertatem vestram, ad universam rem publicam contulerunt, hostem illum et latronem et parricidam patriae reliquerunt. Nec solum id animose et fortiter, sed considerate etiam sapienterque fecerunt. Albae constiterunt, in urbe opportuna, munita, propinqua, fortissimorum virorum, fidelissimorum civium atque optimorum. Hujus Martiae legionis legio Quarta imitata virtutem duce L. Egnatuleio, quem senatus merito paullo ante laudavit, C. Caesaris exercitum persecuta est.

III. Quae exspectas, M. Antoni, judicia graviora? Caesar fertur in caelum, qui contra te exercitum comparavit. Laudantur exquisi-

paternis] V. 'Hispanis' D., which is a manifest blunder.

2. *sui patris*] V. 'suique patris' a g t. Lambinus proposed to erase 'sui,' and other critics have objected to the word. But it means, as Orelli explains it, 'C. Caesar's army consisting of his father's bravest soldiers.' Here Cicero acknowledges Caesar to be the adopted son of the Dictator. When he first saw him in Campania after the boy's return from Apollonia, he did not address him by the name of Caesar.—'referretur:' by the consuls Hirtius and Pansa, when they had entered on their office.

Praeclare et loco] 'Praeclare et apposite,' as Faernus says. In place of 'loco,' a b t have 'jocose,' and g has 'luculenta.'

3. *fertur in caelum*] Of course he was then 'in caelo,' the place from which Dolabella had been brought down (Phil. ii. c. 42).—'arcessitae:' V b. 'accersitae' a g t. I have noticed before this incorrect form 'accersitae.' Colot. has 'ac-

tissimis verbis legiones quae te reliquerunt, quae a te arcessitae sunt, quae essent, si te consulem quam hostem maluisses, tuae. Quarum legionum fortissimum verissimumque judicium confirmat senatus, comprobat universus populus Romanus, nisi forte vos, Quirites, consulem non hostem judicatis Antonium. Sic arbitrabar, Quirites, vos judicare, ut ostenditis. Quid municipia, colonias, praefecturas num aliter judicare censetis? Omnes mortales una mente consentiunt, omnia arma eorum, qui haec salva velint, contra illam pestem esse capienda. Quid D. Bruti judicium, Quirites, quod ex hodierno ejus edicto perspicere potuistis, num cui tandem contemnendum videtur? Recte et vere negatis, Quirites. Est enim quasi deorum immortalium beneficio et munere datum rei publicae Brutorum genus et nomen ad libertatem populi Romani vel constituendam vel recipiendam. Quid igitur D. Brutus de M. Antonio judicavit? Excludit provincia, exercitu obsistit, Galliam totam hortatur ad bellum, ipsam sua sponte suoque judicio excitatam. Si consul Antonius, Brutus hostis: si conservator rei publicae Brutus, hostis Antonius. Num igitur utrum horum sit dubitare possumus? IV. Atque ut vos una mente unaque voce dubitare vos negatis, sic modo decrevit senatus D. Brutum optime de re publica mereri, quum senatus auctoritatem populique Romani libertatem imperiumque defenderet. A quo defenderet? nempe ab hoste; quae est enim alia laudanda defensio? Deinceps laudatur provincia Gallia meritoque ornatur verbis amplissimis ab senatu quod resistat Antonio. Quem si consulem illa provincia putaret neque eum reciperet, magno scelere se astringeret; omnes enim in consulis jure et imperio debent esse provinciae. Negat hoc D. Brutus imperator, consul designatus, natus rei publicae civis: negat Gallia, negat cuncta Italia, negat senatus, negatis vos. Quis igitur illum consulem nisi latrones putant? Quamquam ne ii quidem ipsi quod loquuntur id sentiunt, nec ab judicio omnium mortalium, quamvis impii nefariique sint, sicut sunt, dissentire possunt. Sed spes rapiendi atque praedandi occaecat animos eorum, quos non

citae' (Halm). Lambinus has a good note here: "*accerso* non esse Latinam vocem, sed ex vero et recto *arcesso* depravatum, quod meum judicium adjuvant cum veteres codices, ut quisque est optimus, tum ille Philippicarum Vaticanus, in quo, ut testantur Faernus et Muretus, nusquam apparet ullum vel tenuissimum verbi *accerso* vestigium, semperque et ubique *arcesso* scriptum reperitur."

Sic arbitrabar] He receives some token of the people's assent, or he writes as if it were so. Again in the same way he says: "Recte et vere negatis, Quirites."—'ex hodierno ejus edicto:' see Phil. iii. c. 4.

4. *in consulis jure et imperio*] Not a usual form of words, but the form of expression is usual, as 'in potestate alicujus esse,' which means to submit to a man or to acknowledge his authority. Pro Quintio, c. 2, Vol. ii.

bonorum donatio, non agrorum assignatio, non illa infinita hasta satiavit; qui sibi urbem, qui bona et fortunas civium ad praedam proposuerunt; qui, dum hic sit quod rapiant, quod auferant, nihil sibi defuturum arbitrantur: quibus M. Antonius—o dii immortales, avertite et detestamini, quaeso, hoc omen—urbem se divisurum esse promisit. Ita vero, Quirites, ut precamini, eveniat, atque hujus amentiae poena in ipsum familiamque ejus recidat; quod ita futurum esse confido. Jam enim non solum homines, sed etiam deos immortales ad rem publicam conservandam arbitror consensisse. Sive enim prodigiis atque portentis dii immortales nobis futura praedicunt, ita sunt aperte pronuntiata ut et illi poena et nobis libertas appropinquet; sive tantus consensus omnium sine impulsu deorum esse non potuit, quid est quod de voluntate caelestium dubitare possimus?

V. Reliquum est, Quirites, ut vos in ista sententia quam prae vobis fertis perseveretis. Faciam igitur, ut imperatores instructa acie solent, quamquam paratissimos milites ad praeliandum videant, ut eos tamen adhortentur, sic ego vos ardentes et erectos ad libertatem recuperandam cohortabor. Non est vobis, Quirites, cum eo hoste certamen quocum aliqua pacis conditio esse possit. Neque enim ille servitutem vestram ut antea, sed jam iratus sanguinem concupivit. Nullus ei ludus videtur esse jucundior quam cruor, quam caedes, quam ante oculos trucidatio civium. Non est vobis res, Quirites, cum scelerato homine atque nefario, sed cum immani taetraque bellua, quae quoniam in foveam incidit, obruatur. Si enim illinc emerserit, nullius supplicii crudelitas erit recusanda. Sed tenetur, premitur, urgetur nunc iis copiis quas jam habemus; mox iis, quas paucis diebus novi consules comparabunt. Incumbite in caussam, Quirites, ut facitis. Numquam major consensus vester in ulla caussa fuit, numquam tam vehementer cum senatu

illa infinita hasta] 'Ille' is often so used to mark a thing emphatically. The 'hasta' are Caesar's auctions, and the sale of the property of Cn. Pompeius' faction. In place of 'donatio' a g t have 'damnatio.' After 'infinita' D. has 'Pompeii,' which word has caused the critics some trouble, for it was Caesar's 'hasta.' But the omission of the word in V. settles the difficulty.

familiamque ejus] Not content with cursing Antonius he curses all his family.—'prodigiis atque portentis:' Manutius says that no history so far as he knows tells us about these things. Perhaps there were none. There is a reading 'denuntiata,' but 'pronuntiata' is the true reading. Cicero concludes from the omens that Antonius' punishment and their liberty were near. But it was exactly the other way; and the omens therefore were either false, or falsely interpreted. Cicero is speaking according to the popular superstition.

5. *ut eos . . . adhortentur*] This cannot depend on 'faciam,' for then it would be 'faciam . . . ut adhortentur;' but 'solent' must be taken as equivalent to 'faciunt.' "*Adhortantur* nonnulli v. l. quibus assentior" (Ferrarius).

illinc] D. 'illim' V. Halm.

consociati fuistis. Nec mirum. Agitur enim non qua conditione victuri, sed victurine simus an cum supplicio ignominiaque perituri. Quamquam mortem quidem natura omnibus proposuit, crudelitatem mortis et dedecus virtus propulsare solet, quae propria est Romani generis et seminis. Hanc retinete, quaeso, Quirites, quam vobis tamquam hereditatem majores vestri reliquerunt. Quamquam alia omnia incerta sunt, caduca, mobilia, virtus est una altissimis defixa radicibus, quae numquam ulla vi labefactari potest, numquam demoveri loco. Hac virtute majores vestri primum universam Italiam devicerunt, deinde Karthaginem exciderunt, Numantiam everterunt, potentissimos reges, bellicosissimas gentes in ditionem hujus imperii redegerunt. VI. Ac majoribus quidem vestris, Quirites, cum eo hoste res erat qui haberet rem publicam, curiam, aerarium, consensum et concordiam civium, rationem aliquam, si ita res tulisset, pacis et foederis: hic vester hostis vestram rem publicam oppugnat, ipse habet nullam: senatum, id est orbis terrae consilium, delere gestit, ipse consilium publicum nullum habet: aerarium vestrum exhausit, suum non habet. Nam concordiam civium qui habere potest, nullam quum habet civitatem? pacis vero quae potest esse cum eo ratio, in quo est incredibilis crudelitas, fides nulla? Est igitur, Quirites, populo Romano, victori omnium gentium, omne certamen cum percussore, cum latrone, cum Spartaco. Nam quod se similem esse Catilinae gloriari solet, scelere par est illi, in-

Quamquam . . . sunt] For 'quamquam' P. R. Mueller writes 'nam cum . . . sint,' which Halm has. V. D. have 'quamquam,' and V. has 'sint.' I see no reason for the change. In a passage of the long letter of Cicero to his brother Quintus (Ad Q. Fr. i. 1. 15) Manutius proposed to change 'quamquam' into 'quoniam' or 'namque.'

universam Italiam] Rome may be said to have conquered all Italy before the destruction of Carthage, but not before the wars with Carthage. Carthage and Numantia always come together in Cicero, but the capture of Carthage was a very different thing from the capture of Numantia. The obstinacy of the resistance of the Spanish town made the siege memorable. Rome had now subdued all her dangerous enemies, and the most dangerous of all, the Galli, had been conquered by the man over whose assassination Cicero rejoiced.—'ditionem:' 'dicionem' V t, Halm. This may be the genuine form; and then we must make the root of 'dicio' the same as the root 'dic,' which has various meanings.

6. *cum eo hoste*] 'quocumque hoste' (Manutius). 'Your ancestors fought with enemies who had a Res publica' &c.—'rationem . . . pacis et foederis:' 'enemies who respected peace and treaties, if it had ever happened that they were made.'

quum habet] V. Halm. The common reading is 'quum habeat.'

gloriari solet] 'Oratorie,' that is, falsely said by Cicero to prepare the way for praising himself and making the comparison.—'haberet:' 'habuisset' V. Halm. 'haberet' D.—'accepit:' in some editions it is 'habebat,' but I do not know what authority there is for this reading. 'Habebat' might very well stand in opposition to 'haberet.'—'hoc M. Servilio:' one of the Tr. pl. Probably he brought forward Cicero to make this speech to the people.

There is the following note at the end of Halm's critical notes on this Oration: "Nonius p. 373 ed. Merc. ex libro quarto hunc locum, qui neque in hoc libro neque in alio Phil. invenitur, citat: *quid hoc SC. facit clam te ex urbe projeceris?* (si cum

dustria inferior. Ille quum exercitum nullum haberet, repente conflavit: hic eum exercitum quem accepit amisit. Ut igitur Catilinam diligentia mea, senatus auctoritate, vestro studio et virtute fregistis, sic Antonii nefarium latrocinium vestra cum senatu concordia tanta, quanta numquam fuit, felicitate et virtute exercituum ducumque vestrorum brevi tempore oppressum audietis. Equidem quantum cura, labore, vigiliis, auctoritate, consilio niti atque efficere potero, nihil praetermittam quod ad libertatem vestram pertinere arbitrabor; neque enim id pro vestris amplissimis in me beneficiis sine scelere facere possum. Hodierno autem die primum, referente viro fortissimo vobisque amicissimo, hoc M. Servilio, collegisque ejus, ornatissimis viris, optimis civibus, longo intervallo, me auctore et principe ad spem libertatis exarsimus.

fascibus clam cet. conj. Mercerius, probabilius Roth: *quid? hoc SC. fecit ut clam te ex urbe projiceres*). Hoc loco Nonii fretus aliisque levibus argumentis usus Aug. Krause, cum hanc editionem a. 1839 Berolini ederet, eam Ciceroni abjudicandam esse censuit suumque judicium postea novis argumentis in dissertatione, quae inest in Iahnii Tabul. philol. xiii p. 297 sqq. confirmare conatus est. Ejusdem sententiae auctor jam ante eum F. G. Ientzen in dissert. quae Lubecae 1820. 8. (Ueber des Cic. vierte Phil. Rede) prodiit, exstiterat. Patrocinium orationis suscepit Iordanus in Diario Antiqu. 1840 num. 75 et 76."

INTRODUCTION TO THE FIFTH PHILIPPIC.

THIS speech was delivered on the 1st of January, B.C. 43, the day on which the new consuls Hirtius and Pansa entered on their office. The matter which they brought before the senate was the siege of Mutina by M. Antonius, the general state of the commonwealth, and the rewards and honours for those who had served the state by opposing Antonius. These were the matters on which a SC. had been made in the preceding month (A.D. XIIII Kal. Jan.). The senator, whose opinion had been first asked, proposed that they should send commissioners to Antonius to tell him to relinquish the siege of Mutina. Cicero opposed the sending of commissioners to treat of peace with a man whom they had in fact declared to be an enemy by their resolutions of the XIIII Kal. Jan. (Phil. iii.). Cicero strongly urged the senate to come to no terms with Antonius, but to treat him as an enemy to the state; and to grant to the generals and the soldiers who had served against Antonius the honours and rewards which it had been already proposed to give them. The senate came to no decision on the 1st of January, but three days after they determined to send commissioners to Antonius.

ORATIONUM PHILIPPICARUM

LIBER QUINTUS.

I. Nihil umquam longius his Kalendis Januariis mihi visum est, patres conscripti; quod idem intelligebam per hos dies uni cuique vestrum videri. Qui enim bellum cum re publica gerunt, hunc diem non exspectabant. Nos autem tum, quum maxime consilio nostro subvenire communi saluti oporteret, in senatum non vocabamur. Sed querelam praeteritorum dierum sustulit oratio consulum, qui ita locuti sunt ut magis exoptatae Kalendae quam serae esse videantur. Atque ut oratio consulum animum meum erexit spemque attulit non modo salutis conservandae, verum etiam dignitatis pristinae recuperandae, sic me perturbasset ejus sententia, qui primus rogatus est, nisi vestrae virtuti constantiaeque confiderem. Hic enim dies vobis, patres conscripti, illuxit, haec potestas data est, ut quantum virtutis, quantum constantiae, quantum gravitatis in hujus ordinis consilio esset, populo Romano declarare possetis. Recordamini qui dies nudius tertius decimus fuerit, quantus consensus

1. *his Kalendis*] D. omits 'his,' which V. has. We can't do without it. He means that he never wished to see any day more than this 1st of January, a sense which is derived from the notion of its being long in coming. Comp. Verr. ii. 4, c. 18: "nihil ei longius videbatur quam dum illud videret argentum." The use of the French verb 'tarder' may be compared: 'il me tarde de vous voir,' 'I am impatient to see you.'

vocabamur] 'convocabamur' b g. But they omit 'non,' as all the MSS. included in D. do. (See the notice of the MSS. prefixed to the First Phil.) V. has 'no' for 'non,' and 'bocabamur,' a way of writing that is perhaps not exactly a blunder. The Florentine Pandect has often *b* for *v*, for instance 'berbum' for 'verbum;' and we find such instances in some inscriptions.

ejus sententia] It was Q. Fufius Calenus, says Manutius, referring to Phil. x. c. 1: "Quae est enim ista tua ratio, Calene, quae mens ut numquam post Kal. Jan. idem senseris quod is qui te sententiam primum rogat?" He also adds that Calenus was Pansa's father-in-law (Phil. viii. 6), and this may explain why Pansa called on him first for his opinion. Calenus was a 'consularis,' having been consul in B.C. 47 (Dion Cassius, 42, c. 55). He was Caesar's Legatus in Gallia in B.C. 51 (B. G. viii. c. 39).

nudius tertius decimus] The thirteenth

vestrum, quanta virtus, quanta constantia, quantam sitis a populo Romano laudem, quantam gloriam, quantam gratiam consecuti. Atque illo die, patres conscripti, ea constituistis ut vobis jam nihil sit integrum nisi aut honesta pax aut bellum necessarium. Pacem vult M. Antonius? Arma deponat, roget, deprecetur. Neminem aequiorem reperiet quam me, cui, dum se civibus impiis commendat, inimicus esse quam amicus maluit. Nihil est profecto quod possit dari bellum gerenti; erit fortasse aliquid quod concedi possit roganti: legatos vero ad eum mittere, de quo gravissimum et severissimum judicium nudius tertius decimus feceritis, non jam levitatis est, sed, ut quod sentio dicam, dementiae. II. Primum duces eos laudavistis, qui contra illum bellum privato consilio suscepissent; deinde milites veteranos, qui, quum ab Antonio in colonias essent deducti, illius beneficio libertatem populi Romani anteposuerunt. Quid, legio Martia; quid, Quarta, cur laudantur? Si enim consulem suum reliquerunt, vituperandae sunt: si inimicum rei publicae, jure laudantur. Atqui quum consules nondum haberetis, decrevistis ut et de praemiis militum, et de honoribus imperatorum primo quoque tempore referretur. Placet eodem tempore praemia constituere iis qui contra Antonium arma ceperint, et legatos ad Antonium mittere? ut jam pudendum sit honestiora decreta esse legionum quam senatus; siquidem legiones decreverunt senatum defendere contra Antonium, senatus decernit legatos ad Antonium. Utrum hoc est confirmare militum animos an debilitare virtutem? Hoc dies duodecim profecerunt, ut quem nemo praeter Cotylam inventus sit qui defenderet, is habeat jam patronos etiam consulares. Qui utinam omnes ante me sententiam rogarentur—quamquam suspicor quid dicturi sint quidam eorum qui post me rogabuntur—facilius contra dicerem, si quid videretur. Est enim opinio decre-

day before, the XIII Kal. Jan., when the Third Philippic was delivered. It was now the Kal. Jan. 'Nudius' is 'nunc dius,' as Festus says (Forcellini). The Romans said 'nudius tertius,' 'nudius quartus,' and so on.

sit integrum] 'you have no choice now about any thing except an honourable peace or an unavoidable war.' This sense of 'integrum,' which is common, is easily derived from the primitive sense of 'entire.'

2. *duces eos*] Caesar.—'colonias:' see the general Introduction, p. 454.

nondum haberetis] On the XIII Kal. Jan. Pansa and Hirtius were only 'consules designati;' and he does not consider Antonius as a consul. The other consul, Dolabella, had set out to Syria.

Placet eodem] Cicero's argument was good. To send Legati to Antonius and to reward those soldiers who had left him, was inconsistent. But it was inconsistent also to reward Caesar for his illegal acts; but Cicero overlooked this. He thought that Caesar would help to destroy Antonius.

Hoc . . . profecerunt] 'This is all that we have gained by twelve days' delay.' Twelve full days, if the XIII Kal. Jan. is included.—'Cotylam:' L. Varius Cotyla, one of Antonius' friends (Phil. xiii. 12). He is mentioned by Plutarch (Anton. c. 18).

turum aliquem Antonio illam ultimam Galliam quam Plancus obtinet. Quid est aliud omnia ad bellum civile hosti arma largiri? primum nervos belli, pecuniam infinitam, qua nunc eget; deinde equitatum, quantum velit. Equitatum dico? Dubitabit, credo, gentes barbaras secum adducere. Hoc qui non videt excors [est]; qui quum videt decernit, impius. Tu civem sceleratum et perditum Gallorum et Germanorum exercitu, pecunia, peditatu, equitatu, copiis instrues?—Nullae istae excusationes sunt: Meus amicus est.—Sit prius patriae.—Meus cognatus.—An potest cognatio propior ulla esse quam patriae, in qua parentes etiam continentur?—Mihi pecuniam attribuit.—Cupio videre qui id audeat dicere. Quid autem agatur quum aperuero, facile erit statuere quam sententiam dicatis aut quam sequamini.

III. Agitur utrum M. Antonio facultas detur opprimendae rei publicae, caedis faciendae bonorum, urbis * * agrorum suis latronibus condonandi, populum Romanum servitute opprimendi an horum ei facere nihil liceat. Dubitate quid agatis!—At non cadunt haec in Antonium.—Hoc ne Cotyla quidem dicere auderet. Quid enim in eum non cadit, qui, cujus acta se defendere dicit, ejus eas leges pervertit quas maxime laudare poteramus? Ille paludes siccare voluit: hic omnem Italiam moderato homini L. Antonio dividendam dedit. Quid, hanc legem populus Romanus accepit? quid, per auspicia ferri potuit? Sed augur verecundus sine collegis de auspiciis. Quamquam illa auspicia non egent interpretatione;

ultimam Galliam] The Transalpina or Ultima, which did not include the Narbonensis. L. Munatius Plancus had this Provincia of Ultima Gallia.

Quid est aliud] g has 'quam' between 'aliud' and 'omnia.' On this word 'quam' Gruter remarks, "inepte, nam *arma* hic interpretatur pecuniam ac militem."

excors [*est*]] "Τὸ *est* ex meo pervetusto libro huc revocavi. Lambinus paulo post sequenti voci *impius* id adjecit. Num ex MSS. tacet" (Graevius). Halm has 'excors, qui . . . impius est.'

Meus cognatus] This is what the 'aliquem (consularem)' is supposed to say. We do not know who he was.

attribuit] D.; 'tribuit' V. Halm. Which is better we cannot say without knowing what it is that Cicero means.

3. *urbis* * *] 'urbis diripiendae' Halm; which is Faernus' reading, the best that he could suggest. The only readings quoted by Halm are 'urbis eruendorum' and 'eripiendorum urbis.' Some critics proposed to change 'condonandi' into 'condonandorum:' but Ferrarius properly rejects this proposal, and refers to such expressions as 'vestri cohortandi caussa.' The ed. Junt. has 'agros,' as Halm says. But no change is necessary.

Dubitate quid agatis!—At non] Muretus prefers this reading to the emendation 'dubitatis? an non,' &c. He does not say what the text means. It is said indignantly, observes Manutius: "quis enim tanto proposito periculo dubitet?" The words 'At non cadunt,' &c. are the objection of some supposed friend of Antonius.

cujus acta] The Dictator's Acta.—'paludes siccare:' Caesar had thought of improving the drainage of the Pontine marshes, and of doing other great things. (Plutarch, Caesar, c. 58; and Dion, and Suetonius.) The exaggeration 'omnem Italiam' alludes to M. Antonius' Agraria Lex, under which his brother Lucius was a commissioner (p. 454).

augur . . . de auspiciis] He has said,

Jove enim tonante cum populo agi non esse fas quis ignorat? Tribuni plebis tulerunt de provinciis contra acta C. Caesaris, ille biennium, iste sexennium. Etiam hanc legem populus Romanus accepit? quid, promulgata fuit? quid, nonne ante lata quam scripta est? non ante factum vidimus quam futurum quisquam est suspicatus? Ubi lex Caecilia et Didia? ubi promulgatio trinum nundinum? ubi poenae recenti lege Junia et Licinia? Possuntne hae leges esse ratae sine interitu legum reliquarum? Eccui potestas in forum insinuandi fuit? Quae porro illa tonitrua, quae tempestas, ut, si auspicia M. Antonium non moverent, sustinere tamen eum ac ferre posse tantam vim tempestatis, imbris ac turbinum, mirum videretur. Quam legem igitur se augur dicit tulisse non modo tonante Jove, sed prope caelesti clamore prohibente, hanc dubitabit contra auspicia latam confiteri? Quid, quod cum eo collega tulit, quem ipse fecit sua nuntiatione vitiosum, nihilne ad auspicia bonus augur pertinere arbitratus est? IV. Sed auspiciorum nos fortasse erimus interpretes, qui sumus ejus collegae. Num ergo etiam armorum interpretes quaerimus? Primum omnes fori aditus ita septi ut, etiam si nemo obstaret armatus, tamen nisi septis revulsis introiri in forum nullo modo posset; sic vero erant disposita praesidia ut, quo modo hostium aditus urbe prohibentur, ita castellis et operibus ab ingressione fori populum tribunosque plebi propulsari videres. Quibus de caussis eas leges, quas M. Antonius tulisse dicitur, omnes censeo per vim et contra auspicia latas, iisque legibus populum non teneri. Si quam legem de actis Caesaris confirmandis, deve dictatura in perpetuum tollenda, deve coloniis in agros deducendis,

'What, did the people receive the Lex (the Agraria Lex)? nay, did not the Auspicia make it impossible for the Lex to pass?' He adds, 'but he is too modest an augur to judge of the Auspicia without his colleagues.' The verb is omitted. Comp. Phil. ii. c. 3: "quum auspicia augur," &c.—'Jove tonante:' which he has said before. —'de provinciis:' see Phil. i. c. 8. This was a Lex of Caesar, and probably intitled De Provinciis. We know no more of it than Cicero and Dion Cassius (43, c. 25) tell us. Orelli in his Index Legum confounds this Lex De Provinciis with another Lex of Caesar, passed long before (B.C. 59) to which Cicero alludes (In Pison. c. 16; Ad Div. v. 20; Ad Att. vi. 7, and 21, and elsewhere). This Lex which is alluded to in the In Pison. may have been a Lex Julia De Provinciis, but it was not the Lex which Cicero alludes to in this oration, nor the Lex which Dion (43, c. 25) speaks of.

'Iste' is probably not right. Halm has 'hic.'—'ante lata:' see Phil. i. c. 10.

Caecilia et Didia] The Leges about the 'promulgatio trinum nundinum.' See De Domo, c. 16, and the note; and as to Junia et Licinia, see Pro Sestio, c. 64, and the note, Vol. iii. See also In Vatin. c. 14, Vol. iv.

insinuandi] V. 'introeundi' D. But 'insinuandi' expresses the meaning better. See Verr. ii. 3, c. 68, and the note; and Vol. ii. Index.

eo collega . . . nuntiatione] His colleague in the consulship, Dolabella, whose election Antonius had endeavoured to annul by his 'nuntiatio.'

4. *interpretes quaerimus*] Muretus proposed 'interpretes erimus.' He also proposed to add 'sunt' after 'septi;' but Halm by taking away the full stop after 'posset' makes this addition unnecessary.

deve dictatura] He only mentions a

tulisse M. Antonius dicitur, easdem leges de integro ut populum teneant salvis auspiciis ferri placet. Quamvis enim res bonas vitiose per vimque tulerit, tamen eae leges non sunt habendae, omnisque audacia gladiatoris amentis auctoritate nostra repudianda est. Illa vero dissipatio pecuniae publicae ferenda nullo modo est, per quam sestertium septies millies falsis perscriptionibus donationibusque avertit, ut portenti simile videatur tantam pecuniam populi Romani tam brevi tempore perire potuisse. Quid, illi immanes quaestus ferendine, quos M. Antonii tota exhausit domus? Decreta falsa vendebat, regna, civitates; immunitates in aes accepta pecunia jubebat incidi. Haec se ex commentariis C. Caesaris, quorum ipse auctor erat, agere dicebat. Calebant in interiore aedium parte totius rei publicae nundinae: mulier, sibi felicior quam viris, auctionem provinciarum regnorumque faciebat: restituebantur exsules quasi lege sine lege; quae nisi auctoritate senatus rescinduntur, quoniam ingressi in spem rei publicae recuperandae sumus, imago nulla liberae civitatis relinquetur. Neque solum commentariis commentitiis chirographisque venalibus innumerabilis pecunia congesta in illam domum est, quum, quae vendebat Antonius, ea se ex actis Caesaris agere diceret, sed senatus etiam consulta pecunia accepta

SC. (Phil. i. c. 1) about the Dictatorship, but we must suppose that a Lex was passed 'ex Scto,' if Cicero tells the truth here. If we look to the time when this Sctum was made and the object with which Antonius consented to it, we cannot understand why he should or would violate the Auspicia in making a Lex on the Dictatorship.

pecuniae publicae] In the temple of Ops. (Introd. p. 454.) The 'perscriptiones' are entries in Caesar's papers, which Antonius is said to have forged. 'Perscriptio' sometimes means 'a writing for the payment of money.' See Pro Flacco, c. 19, and the note on 'perscripsisse,' Vol. iii. —'avertit:' see Verr. ii. 1, c. 13, and the note on 'aversa pecunia.'

immunitates] See Introd. and Phil. ii. c. 38.—'calebant:' om. D. The 'mulier' is Fulvia, the widow of P. Clodius and Curio.

commentariis, &c.] See Phil. i. c. 7.—'ad aerarium:' Manutius says that SC. were first drawn up in the senate, then cut on bronze, then set up in the Capitol, and finally carried (deferebantur) to the 'aerarium.' And he says the same of Leges. I doubt if all Scta were cut on bronze. Senatusconsulta and Leges were sometimes set up in the Capitol, but I don't suppose that they were taken down to be carried to the 'aerarium.' Becker says (Handbuch, i. 1, p. 27) that some of the bronze tablets were set up in the Forum, as the XII Tabulae (Dionys. Antiq. x. 57), but most frequently in a temple, particularly in and about the temple of Jupiter Capitolinus, and in the Aerarium Saturni (Livy, vii. 3; Cic. In Cat. iii. c. 8; Plutarch, Cicero, c. 36, and other passages). A passage of Suetonius (Vespas. c. 8, cited by Becker) speaks of the destruction caused by the storming of Vitellius' party: "aerearumque tabularum tria millia, quae simul conflagraverunt, restituenda suscepit; undique investigatis exemplaribus instrumentum imperii pulcherrimum ac vetustissimum confecit, quo continebantur paene ab exordio urbis senatusconsulta, plebiscita de societate et foedere et privilegio cuicunque concessis." The originals of these grants to foreign places were at Rome, and the copies were in the places themselves. As to the Senatusconsulta, an order was made very early that the Scta should be lodged with the 'aediles plebis' in the temple of Ceres (Livy, iii. c. 55). Afterwards the 'aerarium' is spoken of as the place were they were kept or the 'tabularium' (Livy, xxxix. c. 4; Tacit. Ann. iii. c. 51; Sueton. Aug. c. 94). (Becker.)

falsa referebat: syngraphae obsignabantur; senatusconsulta numquam facta ad aerarium deferebantur. Hujus turpitudinis testes erant etiam exterae nationes. Foedera interea facta, regna data populi provinciaeque liberatae, earumque rerum falsae tabulae gemente populo Romano toto Capitolio figebantur. Quibus rebus tanta pecunia una in domo coacervata est ut, si hoc genus in unum redigatur, non sit pecunia rei publicae defutura.

V. Legem etiam judiciariam tulit, homo castus atque integer. judiciorum et juris auctor; in quo nos fefellit. Antesignanos et manipulares et alaudas judices se constituisse dicebat. At ille legit aleatores, legit exsules, legit Graecos. O consessum judicum praeclarum! o dignitatem consilii admirandam! Avet animus apud consilium illud pro reo dicere. Cydam Cretensem, portentum insulae, hominem audacissimum et perditissimum. Sed fac [ita] non esse. Num Latine scit? num est ex judicum genere et forma? num, quod maximum est, leges nostras moresve novit? num denique homines? Est enim Creta vobis notior quam Roma Cydae; dilectus autem et notatio judicum etiam in nostris civibus haberi solet. Gortynium vero judicem quis novit aut quis nosse potuit? Nam Lysiaden Atheniensem plerique novimus; est enim Phaedri philosophi nobilis filius; homo praeterea festivus, ut ei cum Curio consessore eodemque collusore facillime possit convenire. Quaero igitur si Lysiades citatus judex non responderit excuseturque Areopagites esse, nec

liberatae] Made 'immunes.' "Tabulae figuntur; immunitates dantur; pecuniae maximae describuntur; exsules reducuntur; senatusconsulta falsa referuntur," &c. (Cicero to Cassius, Ad Div. xii. 1).—'una in domo:' Garatoni conjectures that it should be 'unam in domum,' for V. has 'unam in domo.'—hoc genus:' 'hoc genus pene' V. 'hoc genus' D. The word 'pene' has led to several conjectures. Faernus omitted 'pene,' which, says Ursini, is a corrupted word. He suggests that it may be intended for 'pecuniae' or 'penu.' I think Faernus has done right. If 'pene' is a corruption of some one word, it must be a word of the same meaning as 'pecunia.'

5. *Legem etiam*] Phil. i. c. 8.—'avet:' V., 'pavet' D.—'apud consilium illud:' before such a body of Judices. 'Cydam' depends on 'legit.' "In argenteo apud me numismate M. Antonii, quod Cretae cusum fuit, inscriptum est, ΚΥΔΑΣ. ΚΡΗΤΑΡΧΑΣ. ΚΡΗΤΑΙΕΩΝ" (F. Ursini).

Sed fac] 'Well, suppose that he is not a most desperate and abandoned fellow.' He then asks, 'Is he one of the kind and description from whom Judices are taken?'

dilectus] V. D. The Judices were 'delecti' or 'dilecti,' or 'selecti.' It was not every man who could be a Judex. Horace (Sat. i. 4, v. 123) calls them 'selecti.' Gellius (xiv. 2): "Quo primum tempore a praetoribus lectus in judices sum ut judicia quae appellantur privata susciperem."

Gortynium] 'Cortynium' V. D. Halm. Some of the medals, perhaps all, have ΓΟΡΤΥΝΙΩΝ. Gortyna and Cnossus were the two largest cities of Crete.—'Nam Lysiaden:' he uses 'nam,' as he often does, to mark a transition to another subject or another part of the subject. Phaedrus the father was an Epicurean. Cicero speaks of him several times: "a Phaedro, qui nobis quum pueri essemus antequam Philonem cognovimus, valde ut philosophus, postea tamen ut vir bonus et suavis et officiosus probabatur" (Ad Div. xiii. 1). This Curius, of whom we know nothing more, is described as a gambler.

citatus judex] Summoned to act as Judex. If he should excuse himself on the

debere eodem tempore Romae et Athenis res judicare, accipietne excusationem is qui quaestioni praeerit Graeculi judicis, modo palliati, modo togati, an Atheniensium antiquissimas leges negliget? Qui porro ille consessus, dii boni? Cretensis judex, isque nequissimus. Quemadmodum ad hunc reus alleget? quomodo accedat? Dura natio est. At Athenienses misericordes. Puto ne Curium quidem esse crudelem, qui quotidie periculum fortunae facit. Sunt item lecti judices, qui fortasse excusabuntur; habent enim legitimam excusationem, exsilii caussa solum vertisse nec esse postea restitutos. Hos ille demens judices legisset, horum nomina ad aerarium detulisset, his magnam partem rei publicae credidisset, si ullam speciem rei publicae cogitavisset? VI. Atque ego de notis judicibus dixi: quos minus nostis, nolui nominare, saltatores, citharistas, totum denique comissationis Antonianae chorum in tertiam decuriam judicum scitote esse conjectum. En caussam cur lex tam egregia, tamque praeclara, maximo imbri, tempestate, ventis, procellis, turbinibus, inter fulmina et tonitrua ferretur, ut eos judices haberemus, quos hospites habere nemo velit. Scelerum magnitudo, conscientia maleficiorum, direptio ejus pecuniae, cujus ratio in aede Opis confecta est, hanc tertiam decuriam excogitavit, nec ante turpes judices quaesiti quam honestis judicibus nocentium salus desperata est. Sed illud os, illam impuritatem caeni fuisse,

ground that he is an Areopagite, and cannot act at the same time as a Judex at Rome and Athens, will the judge who presides accept his excuse? A man could not be a citizen of Rome and another state (Pro Balbo, c. 11, and the note). He speaks of him contemptuously as Graeculus, like Juvenal, Sat. iii. v. 78:

> "Graeculus esuriens in caelum jusseris ibit."

He is at one time Greek (palliatus), at another time Roman (togatus).—'an Atheniensium:' or will he not accept his excuse, paying no regard to the Athenian laws, by which, as we must conclude, an Areopagite could not act as a Judex in any other place than Athens.

alleget] I suppose this means, 'How shall he address such a man?' in his defence. 'Allegare' is not usually joined with 'ad' and an accusative. It has generally an accusative after it, as 'allegare aliquid,' to allege something.

facit] '*facit* mei (sed V. facti)' Halm. The common reading is 'faciat;' and if the MSS. had it, we should have nothing to say against it.—'lecti judices . . . excusabuntur:' there were various legal grounds of excuse. The office of Judex was a burden, and men were often glad to be relieved from serving, as men among us who are summoned on juries. Some of Antonius' Judices had an excellent reason for being excused. They had quitted the country (solum verterunt).

6. *in tertiam decuriam*] Phil. i. c. 8.

quos hospites] 'quos socios ad epulas hospites' D. But it is better with V. to drop 'socios ad epulas.' Petrus Victorius proposed 'quos socios ad epulas habere hospes nemo velit;' on which Lambinus has one of his long notes, half abusive of Peter, half complimentary. Lambinus was a scholar, but his learning had not made him a man of good sense.

in aede Opis] Phil. ii. c. 38.—'nec . . . honestis judicibus:' 'nor were Judices of bad character looked for until there was no hope of acquittal for the guilty with honourable Judices.' We may so translate 'honestis judicibus,' and in various other ways. It is one of the uses of the Latin ablative.

ut hos judices legere auderet! quorum lectione duplex imprimeretur rei publicae dedecus: unum, quod tam turpes judices essent; alterum, quod patefactum esset quam multos in civitate turpes haberemus. Hanc ergo et reliquas ejusmodi leges, etiamsi sine vi salvis auspiciis essent rogatae, censerem tamen abrogandas. Nunc vero cur abrogandas censeam, quas judico non rogatas?

An illa non gravissimis ignominiis monumentisque hujus ordinis ad posteritatis memoriam sunt notanda, quod unus M. Antonius in hac urbe post conditam urbem palam secum habuerit armatos; quod neque reges nostri fecerunt, neque ii qui regibus exactis regnum occupare voluerunt. Cinnam memini, vidi Sullam, modo Caesarem; hi enim tres post civitatem a L. Bruto liberatam plus potuerunt quam universa res publica. Non possum affirmare nullis telis eos stipatos fuisse: hoc dico nec multis et occultis. At hanc pestem agmen armatorum sequebatur: Cassius, Mustela, Tiro, gladios ostentantes, sui similes greges ducebant per forum: certum agminis locum tenebant barbari sagittarii. Quum autem erat ventum ad aedem Concordiae, gradus complebantur, lecticae collocabantur, non quo ille scuta occulta esse vellet, sed ne familiares si scuta ipsi ferrent laborarent. VII. Illud vero taeterrimum auditu, non modo aspectu, in cella Concordiae collocari armatos, latrones, sicarios; de templo carcerem fieri; opertis valvis Concordiae, quum inter subsellia senatus versarentur latrones, patres conscriptos sententias dicere. Huc etiam nisi venirem Kalend. Septemb. fabros se missurum et domum meam disturbaturum esse dixit. Magna res, credo, agebatur: de supplicatione referebatur. Veni postridie: ipse non venit. Locutus sum de republica, minus equidem libere quam mea consuetudo; liberius tamen quam pericula minaeque postulabant. At ille homo vehemens et violentus qui hanc consuetudinem libere dicendi excluderet,—fecerat enim hoc idem maxima cum laude L. Piso xxx diebus ante,—inimicitias mihi denuntiavit;

quorum lectione . . . imprimeretur] The forms of the subjunctive express a meaning with precision. The best way of rendering the meaning is not easily determined. Cicero means 'that the consequence of such a choice of Judices was to stamp a double disgrace on the state.'

barbari sagittarii] Ituraei. Phil. ii. c. 8.

scuta] The 'scuta' were in the 'lecticae,' not for the purpose of being concealed, but that his friends might not be tired with carrying them ('si scuta ipsi ferrent').

7. *auditu, non modo aspectu*] 'to hear it said, not to speak of seeing it.' This is the reading of D., and it may be right. V. has 'non modo auditus sed etiam aspectu.' P. Ric. Muellerus, quoted by Halm, has made 'non modo adspectu, sed etiam auditu,' which Halm has.—'opertis valvis:' Phil. ii. c. 44: "cur valvae Concordiae non patent?"

fabros se missurum] See Phil. i. c. 5.—'Huc etiam:' Halm places 'etiam' before 'fabros.'—'de supplicatione:' see Phil. i. c. 4: "De supplicationibus referebatur."—'periculi minae post.' Halm.

L. Piso] See the Introd. p. 457. Piso

adesse in senatum jussit a. d. XIII Kalend Octob. Ipse interea septemdecim dies de me in Tiburtino Scipionis declamitavit sitim quaerens; haec enim ei caussa esse declamandi solet. Quum is dies quo me adesse jusserat venisset, tum vero agmine quadrato in aedem Concordiae venit, atque in me absentem orationem ore impurissimo evomuit. Quo die, si per amicos mihi cupienti in senatum venire licuisset, caedis initium fecisset a me; sic enim statuerat. Quum autem semel gladium scelere imbuisset, nulla res ei finem caedendi nisi defatigatio et satietas attulisset. Etenim aderat L. frater, gladiator Asiaticus, qui mirmillo Mylasis depugnarat; sanguinem nostrum sitiebat, suum in illa gladiatoria pugna multum profuderat. Hic pecunias vestras aestimabat; possessiones notabat et urbanas et rusticas; hujus mendicitas aviditate conjuncta in fortunas nostras imminebat; dividebat agros quibus et quos volebat; nullus aditus erat privato, nulla aequitatis deprecatio. Tantum quisque habebat possessor quantum reliquerat divisor Antonius. Quae quamquam, si leges irritas feceritis, rata esse non possunt, tamen separatim suo nomine notanda censeo, judicandumque nullos septemviros fuisse, nihil placere ratum esse quod ab iis actum diceretur.

VIII. M. vero Antonium quis est qui civem possit judicare potius quam taeterrimum et crudelissimum hostem, qui pro aede Castoris sedens audiente populo Romano dixerit nisi victorem victurum neminem? Num putatis, patres conscripti, dixisse eum minacius quam facturum fuisse? Quid vero, quod in contione dicere ausus est se, quum magistratu abisset, ad urbem futurum cum exercitu, introiturum quotiescumque vellet, quid erat aliud nisi denuntiare populo Romano servitutem? Quod autem ejus iter

spoke on the 1st of August.—'in Tiburtino Scipionis:' see Phil. ii. c. 17.—'sitim quaerens:' an allusion to Antonius' drunkenness.

agmine quadrato . . . in absentem] Phil. ii. Introd. and ii. c. 42. Cicero says that he would have come into the senate a. d. XIII Kal. Oct., if his friends had not prevented him. But we may doubt the truth of this assertion.

Asiaticus . . . Mylasis] He calls Lucius the brother Asiaticus, because he had fought as a gladiator at Mylasa in Caria of Asia Minor (see Phil. vi. c. 5). The words 'sanguinem nostrum sitiebat,' 'suum multum profuderat,' says Manutius 'apte respondent.' 'Respondent' is true. It is an antithesis, and if the correspondence is complete, it is in bad taste.

privato] Any man whose land was taken under the Agraria Lex of Antonius or under the pretext of the Lex.—'nulla aequitatis deprecatio:' he means 'no protest on grounds of equity,' or, as Forcellini says, 'no protest strong enough to obtain equity.' The Latin genitive is often difficult to explain. 'Deprecatio' is generally used as it is in the expression 'deprecatio periculi.'—'aditus:' Pro Lig. c. 6.

leges irritas] The Leges of Antonius.—'septemviros:' Introduction, p. 454.

8. *quotiescumque vellet*] He could not legally have done this, but he threatened to do it, says Cicero.—'quid erat aliud nisi:' Cicero, as Manutius observes, also says 'Quid erat aliud denuntiare?' as in Phil. ii. c. 4: "Quid est aliud tollere e vita vitae societatem?"—'nisi ut ad:' a b g; 'nisi ad' V t.

Brundisium, quae festinatio, quae spes nisi [ut] ad urbem vel in urbem potius exercitum maximum adduceret? Qui autem dilectus centurionum, quae effrenatio impotentis animi? Quum ejus promissis legiones fortissimae reclamassent, domum ad se venire jussit centuriones, quos bene sentire de re publica cognoverat, eosque ante pedes suos uxorisque suae, quam secum gravis imperator ad exercitum duxerat, jugulari coegit. Quo animo hunc futurum fuisse censetis in nos quos oderat, quum in eos quos numquam viderat tam crudelis fuisset, et quam avidum in pecuniis locupletium, qui pauperum sanguinem concupisset? quorum ipsorum bona quantacumque erant statim comitibus suis compotoribusque descripsit. Atque ille furens infesta jam patriae signa a Brundisio inferebat, quum C. Caesar deorum immortalium beneficio, divina animi, ingenii, consilii magnitudine, quamquam sua sponte eximiaque virtute, tamen approbatione auctoritatis meae colonias patrias adiit, veteranos milites convocavit, paucis diebus exercitum fecit, incitatos latronis impetus retardavit. Postea vero quam legio Martia ducem praestantissimum vidit, nihil egit aliud nisi ut aliquando liberi essemus; quam est imitata Quarta legio. IX. Quo ille nuntio audito, quum senatum vocasset adhibuissetque consularem qui sua sententia C. Caesarem hostem judicaret, repente concidit. Post autem neque sacrificiis sollemnibus factis neque votis nuncupatis, non profectus est, sed profugit paludatus. At quo? In provinciam firmissimorum et fortissimorum civium, qui

promissis legiones] See the Introd. to Phil. iii., and the letter to Cornificius (Ad Div. xii. 23): "A. d. VII Idus Octobres Brundisium erat profectus obviam legionibus Macedonicis IIII, quas sibi conciliare pecunia cogitabat easque ad urbem adducere et in cervicibus nostris collocare."—'eosque ante pedes:' Phil. iii. c. 4, 12, where he says that Antonius put to death 'trecentos fortissimos viros.' In Phil. xiii. 8 he says: "dilectos Martiae legionis centuriones trucidavit." The word 'dilectos' explains 'Qui autem dilectus centurionum.' We cannot get the truth out of Cicero. Manutius correctly remarks that we cannot assume that three hundred centurions were put to death, for there were not so many in the four legions.

divina animi] 'Divina' is Madvig's conjecture communicated to Halm, and confirmed by b. V a g t have 'divini,' which is the common reading.

colonias patrias] V. Halm; 'patris' D. Cicero says in his letters that he encouraged Caesar to raise troops: "quem (Antonium) ego ructantem et nauseantem conjeci in Caesaris Octaviani plagas" (to Cornificius, Ad Div. xii. 25; and the Introduction to Phil. iii.).

ducem . . . vidit] We might infer from this that they saw Caesar, and went over to him. They did leave Antonius, and they did join Caesar, but all the rest is obscure. The 'praestantissimus dux' is the 'puer,' whom Cicero at first spoke of in his letters in slighting terms. We feel how unsafe we are as to facts with Cicero when he calls a boy of nineteen 'dux praestantissimus.' If this were all we knew, we should find critics deducing from it a proof of the great military services of young Caesar.

9. *consularem*] Compare Phil. iii. c. 8. —'paludatus:' see Phil. iii. c. 9, and c. 10.

In provinciam] Into Gallia Cisalpina.—'et fortissimorum:' om. V[1]. Halm places it in [ ].—'Mutinam:' Mutina, now Modena,

illum ne si ita quidem venisset ut nullum bellum inferret ferre potuissent, impotentem, iracundum, contumeliosum, superbum, semper poscentem, semper rapientem, semper ebrium. At ille, cujus ne pacatam quidem nequitiam quisquam ferre posset, bellum intulit provinciae Galliae; circumsedet Mutinam, firmissimam et splendidissimam populi Romani coloniam; oppugnat D. Brutum imperatorem, consulem designatum, civem, non sibi, sed nobis et rei publicae natum. Ergo Hannibal hostis, civis Antonius? Quid ille fecit hostiliter quod hic non aut fecerit aut faciat aut moliatur et cogitet? Totum iter Antoniorum quid habuit nisi depopulationes, vastationes, caedes, rapinas? quas non faciebat Hannibal, quia multa ad usum suum reservabat: at hi qui in horam viverent, non modo de fortunis et de bonis civium, sed ne de utilitate quidem sua cogitaverunt.

Ad hunc, dii boni, legatos mitti placet? Norunt isti homines formam rei publicae, jura belli, exempla majorum? cogitant quid populi Romani majestas, quid senatus severitas postulet? Legatos decernis? Si ut deprecere, contemnet; si ut imperes, non audiet; denique quamvis severa legatis mandata dederimus, nomen ipsum legatorum hunc quem videmus populi Romani restinguet ardorem, municipiorum atque Italiae franget animos. Ut omittam haec, quae magna sunt, certe ista legatio moram et tarditatem afferet bello. Quamvis dicant, quod quosdam audio dicturos:—Legati proficiscantur: bellum nihilominus paretur:—tamen legatorum nomen ipsum et animos hominum molliet et belli celeritatem morabitur. X. Minimis momentis, patres conscripti, maximae inclinationes temporum fiunt, quum in omni casu rei publicae, tum in bello et maxime civili, quod opinione plerumque et fama gubernatur. Nemo quaeret quibus cum mandatis legatos miserimus: nomen ipsum legationis ultro missae timoris esse signum videbitur. Recedat a Mutina, desinat oppugnare Brutum, decedat

in Gallia Cisalpina, was a Romana Colonia, founded in B.C. 183, the same year as Parma.

quas non faciebat] V., 'quae non faciebat' D., in which case 'quae' seems to begin a new sentence, and in place of 'at hi' we must take the reading 'haec hi;' but the sentence is then lame. 'At hi' is Naugerius' emendation, followed by Halm. V. has 'haec;' b has 'et hii.' The other MSS. have 'haec ii' or 'haec hi.'

decernis?] He is addressing some person. 'Do you propose to send Legati?'—'hunc quem videmus populi . . . ardorem:' it is usual to place 'quem videmus' between commas, which is bad. This is a Roman form of expression, which is very common; but our language does not allow it. If we say 'this ardor of the Roman people, which we see,' we have spoiled it. The meaning is 'this manifest ardor of the Roman people.'

10. *Minimis momentis*] The slightest force causes the greatest changes in things:' we cannot say 'times.' The remark which follows is true. In a civil war opinion and rumour determine many things.

ex Gallia: non est verbis rogandus, cogendus est armis. Non enim ad Hannibalem mittimus ut a Sagunto recedat, ad quem miserat olim senatus P. Valerium Flaccum et Q. Baebium Tampilum, qui, si Hannibal non pareret, Karthaginem ire jussi sunt. Nostros quo jubemus ire, si non paruerit Antonius? Ad nostrum civem mittimus ne imperatorem, ne coloniam populi Romani oppugnet? Itane vero? hoc per legatos rogandum est? Quid interest, per deos immortales, utrum hanc urbem oppugnet an hujus urbis propugnaculum, coloniam populi Romani, praesidii caussa collocatam? Belli Punici secundi, quod contra majores nostros Hannibal gessit, caussa fuit Sagunti oppugnatio. Recte ad eum legati missi. Mittebantur ad Poenum, mittebantur pro Hannibalis hostibus, nostris sociis. Quid simile tandem? Nos ad civem mittimus ne imperatorem populi Romani, ne exercitum, ne coloniam circumsedeat, ne oppugnet, ne agros depopuletur, ne sit hostis?

XI. Age, si paruerit, hoc cive uti aut volumus aut possumus? Ante diem XIII Kalendas Jan. decretis vestris eum concidistis: constituistis ut haec ad vos Kalend. Jan. referrentur, quae referri videtis, de honoribus et praemiis bene de re publica meritorum et merentium, quorum principem judicastis eum qui fuit C. Caesarem, qui M. Antonii impetus nefarios ab urbe in Galliam avertit; tum milites veteranos qui primi Caesarem secuti sunt, atque illas caelestes divinasque legiones Martiam et Quartam comprobastis, quibus, quum consulem suum non modo reliquissent, sed bello etiam persequerentur, honores et praemia spopondistis; eodemque die D. Bruti

Sagunto] See Livy, xxi. c. 6, and the story of the mission to Hannibal.—'si non paruerit:' that is the point. If Antonius does not obey, what then? The embassy is a farce.—'praesidii caussa:' Mutina and Parma were placed as garrison towns in Cispadan Gallia, in conformity with the old system of Romanae Coloniae. These Coloniae were intended to maintain the supremacy of Rome in the conquered parts of Italy. Machiavelli (Dicorsi, ii. c. 6) saw the value of this institution. It was a cheaper way and a better way of securing a conquest than by maintaining large armies in a conquered country. The Romans held for a long time all the countries in which they had Coloniae, and some in which they had none. It is not easy to see how a nation can maintain its power over a distant country already full of people, and not adapted for colonization either by reason of climate or other causes. The occupation of such a country can only be maintained by soldiers; and the practical question for those who hold it is, whether they can obtain by fair means a revenue from such a country large enough to pay for the cost of keeping it. When they cannot, it is time for them to leave it.

11. *hoc cive uti*] 'shall we choose to treat him as a citizen or can we?'

Ante diem XIII *Kal.*] See the Introd. to Phil. iii. and that oration.—'ab urbe in Galliam avertit:' Caesar advanced into Etruria before Antonius left the city, as it seems. By moving into Gallia Cisalpina Antonius might expect to find both his enemies together, or he might expect to deféat one before he was joined by the other.—'Quartam:' Introd. to Phil. iii. As to the Edictum of Brutus, see Phil. iii.—'comprobastis:' Faernus; 'comprobatis' V. om. D.

praestantissimi civis edicto allato atque proposito, factum ejus collaudastis; quodque ille bellum privato consilio susceperat, id vos auctoritate publica comprobastis. Quid igitur illo die aliud egistis nisi ut hostem judicaretis Antonium? His vestris decretis aut ille vos aequo animo aspicere poterit aut vos illum sine summo dolore videbitis? Exclusit illum a re publica, distraxit, segregavit non solum scelus ipsius, sed etiam, ut mihi videtur, fortuna quaedam rei publicae. Qui si legatis paruerit Romamque redierit, num quando perditis civibus vexillum quo concurrant defuturum putatis? Sed hoc minus vereor: sunt alia quae magis timeam et cogitem. Numquam parebit ille legatis. Novi hominis insaniam, arrogantiam: novi perdita consilia amicorum, quibus ille est deditus. Lucius quidem frater ejus, utpote qui peregre depugnarit, familiam ducit. Sit per se ipse sanus, quod numquam erit; per hos esse ei tamen non licebit. Teretur interea tempus; belli apparatus refrigescent. Unde est adhuc bellum tractum nisi ex retardatione et mora? Ut primum post discessum latronis vel potius desperatam fugam libere senatus haberi potuit, semper flagitavi ut convocaremur. Quo die primum convocati sumus, quum designati consules non adessent, jeci sententia mea maximo vestro consensu fundamenta rei publicae serius omnino quam decuit, nec enim ante potui, sed tamen si ex eo tempore dies nullus intermissus esset, bellum profecto nullum haberemus. Omne malum nascens facile opprimitur: inveteratum fit plerumque robustius. Sed tum exspectabantur Kalendae Januariae, fortasse non recte. XII. Verum praeterita omittamus. Etiamne hanc moram [afferemus] dum proficiscantur legati, dum revertantur? quorum

num quando] D., 'numquam' V. 'Num umquam' P. Ric. Muellerus, and Halm.—'vexillum quo concurrant:' this was the use of a 'vexillum' or flag. "Caesari omnia uno tempore erant agenda: vexillum proponendum, quod erat insigne quum ad arma concurri oporteret" (B. G. ii. c. 20).

depugnarit] An allusion to his having fought as a gladiator. 'Familiam ducit' means that a man is the head of a party or the like; as Cicero says of Trebatius, in a letter to C. Caesar (B.C. 54: Ad Div. vii. 5) then in Gallia: "Accedit etiam quod familiam ducit in jure civili singularis memoria, summa scientia." Here there seems to be a play on the word 'familia,' which among other meanings signifies a body of slaves or gladiators. Muretus (Var. Lect. iv. c. 17) says that he has found the expression 'familiam ducere' three times in Cicero. He quotes these two passages and a third from the De Finibus (Lib. iv.): "Sed primum illud vide: gravissimam illam vestram sententiam, quae familiam ducit, honestum quod sit, id esse solum bonum, honesteque vivere bonorum finem." He correctly says that Cicero uses this expression "cum praecipuum aliquid significat, quodque principem in re quapiam obtineat locum."

tractum] V. It is omitted in D.—'Quo die primum:' on the day when the Third Philippic was spoken.

12. [*afferemus*]] "in V. m. 2 in marg. supplevit. Cum tot ellipsibus in his orationibus Cic. usus est, hic quoque *afferemus* ex interpolatione adjectum esse statuendum erit" (Halm).

exspectatio dubitationem belli affert. Bello autem dubio, quod potest studium esse delectus?

Quamobrem, patres conscripti, legatorum mentionem nullam censeo faciendam: rem administrandam arbitror sine ulla mora et confestim gerendam censeo; tumultum decerni, justitium indici, saga sumi dico oportere, delectum haberi sublatis vacationibus in urbe et in Italia praeter Galliam tota. Quae si erunt facta, opinio ipsa et fama vestrae severitatis obruet scelerati gladiatoris amentiam. Sentiet sibi bellum cum re publica esse susceptum; experietur consentientis senatus nervos atque vires; nam nunc quidem partium contentionem esse dictitat. Quarum partium? Alteri victi sunt, alteri sunt e mediis C. Caesaris partibus; nisi forte Caesaris partes a Pansa et Hirtio consulibus et a filio C. Caesaris oppugnari putamus. Hoc vero bellum non est ex dissensione partium, sed ex nefaria spe perditissimorum civium excitatum, quibus bona fortunaeque nostrae notatae sunt et jam ad cujusque opinionem distributae. Legi epistolam Antonii, quam ad quendam septemvirum, capitalem hominem, collegam suum, miserat: Quid concupiscas tu videris: quod concupiveris certe habebis.—En ad quem legatos mittamus, cui bellum moremur inferre, qui ne sorti quidem fortunas nostras destinavit, sed libidini cujusque nos ita addixit ut ne sibi quidem quidquam integrum quod non alicui promissum jam sit reliquerit. Cum hoc, patres conscripti, bello, bello inquam, decertandum est, idque confestim: legatorum tarditas repudianda est. Quapropter ne multa nobis quotidie decernenda sint, consulibus totam rem publicam committendam censeo, iisque permittendum ut rem publicam defendant, provideantque ne quid res publica detrimenti accipiat; censeoque ut iis qui in exercitu

gerendam censeo] V i. Lambinus omitted 'censeo.'—'tumultum:' see Index, Vol. ii. 'Tumultus.'—'edici:' in some editions there is 'indici,' I know not on what authority. I suppose that 'indici' can be used, for the Romans said 'consilium indicitur,' 'supplicatio indicitur,' 'bellum indicere,' &c.—'saga:' the military cloak.—'vacationibus:' no exemptions were to be allowed. 'Tota' is Muretus' reading. V i have 'totam.' Lambinus proposed 'togatam.' Manutius says: "non excipit Galliam, sed addit;" but I think that he is mistaken. Graevius says: "In Gallia non poterat dilectus haberi, quia in illa cum suis copiis erat Antonius et Brutus."

Alteri] The party of Cn. Pompeius. The other party was composed of the very centre of the Dictator's party. Antonius is reckoned as nothing: he was an enemy.—'ad cujusque opinionem:' Manutius proposed to write 'optionem' for 'opinionem.'

septemvirum] See the Introd. p. 454. He calls him 'capitalem,' a pestilent, murderous fellow; perhaps playing on the word 'Capitalis' as used in the expression 'Triumviri Capitales.'

ne quid res publica] The usual formula by which authority was given to the consuls when the state was in danger. Phil. ii. c. 21, and the note; Pro Deiotaro, c. 4, and the note.—'ne sit ea res fraudi:' 'that it shall not be to his prejudice;' a common use of 'fraudi.' See Pro Cluentio, c. 33, and the note, Vol. ii.; Pro Balbo, c. 28, Vol. iv., where 'laus' and 'fraus' are opposed.

M. Antonii sunt ne sit ea res fraudi, si ante Kalendas Febr. ab eo discesserint. Haec si censueritis, patres conscripti, brevi tempore libertatem populi Romani auctoritatemque vestram recuperabitis. Sin autem lenius agetis, tamen eadem, sed fortasse serius decernetis. De re publica quod rettulistis satis decrevisse videor.

XIII. Altera res est de honoribus, de quibus deinceps intelligo esse dicendum. Sed qui ordo in sententiis rogandis servari solet, eundem tenebo in viris fortibus honorandis. A Bruto igitur, consule designato, more majorum capiamus exordium; cujus ut superiora omittam, quae sunt maxima illa quidem, sed adhuc hominum magis judiciis quam publice laudata, quibusnam verbis ejus laudes hujus ipsius temporis consequi possumus? Neque enim ullam mercedem tanta virtus praeter hanc laudis gloriaeque desiderat, qua etiamsi careat, tamen sit se ipsa contenta; quamquam in memoria gratorum civium tamquam in luce posita laetetur. Laus igitur judicii testimoniique nostri tribuenda Bruto est. Quamobrem his verbis, patres conscripti, senatusconsultum faciendum censeo: Quum D. Brutus imperator, consul designatus provinciam Galliam in senatus populique Romani potestate teneat, quumque exercitum tantum tam brevi tempore, summo studio municipiorum coloniarumque provinciae Galliae optime de re publica meritae merentisque conscripserit, compararit, id eum recte et ordine exque re publica fecisse, idque D. Bruti praestantissimum meritum in rem publicam senatui populoque Romano gratum esse et fore: itaque senatum populumque Romanum existimare D. Bruti imperatoris, consulis designati, opera, consilio, virtute incredibilique studio, et consensu provinciae Galliae rei publicae difficillimo tempore esse subventum. —Huic tanto merito Bruti, patres conscripti, tantoque in rem publicam beneficio, quis est tantus honos qui non debeatur? Nam si M. Antonio patuisset Gallia, si oppressis municipiis et coloniis im-

quod rettulistis] 'quoad rettulistis' Halm, who says, "*quod* Faernus; *qua de* Lambinus." But Faernus wrote 'quoad,' a conjecture in place of 'quod.'

13. *in sententiis*] The order 'in sententiis rogandis' was to begin with the Consules designati, and accordingly Cicero begins with D. Brutus when he proposes to honour those who had done such service to the state. 'Deinceps' means in succession, one after the other. "Reliquis deinceps diebus Caesar" (Caesar, B. G. iii. 29).—'superiora:' he means Decimus' great services in the assassination of his friend and old commander the Dictator, under whom Brutus had learned what he knew of the art of war, but it was not much.

quamquam in memoria] V i. Some old editions have 'atque in memoria.'—'illam ultimam:' the part of Gallia Transalpina, which was Plancus' Provincia. Cicero fears, or affects to fear, the consequences which would have followed, if Antonius had got among the warlike nations of Gallia Ultima, whom he would have led against Rome.—'ne Alpium quidem muro:' compare De Prov. Cons. c. 14.—'praesidet:' 'protects.' Compare Pro Milone, c. 37, "huic judicio praesidentibus." Gallia Cisalpina was the bulwark of Italy against Gallia Ultima.

paratis in illam ultimam Galliam penetrare potuisset, quantus rei publicae terror impenderet? Dubitaret, credo, homo amentissimus atque in omnibus consiliis praeceps et devius non solum cum exercitu suo, sed etiam cum omni immanitate barbariae bellum inferre nobis, ut ejus furorem ne Alpium quidem muro cohibere possemus. Haec igitur habenda gratia est D. Bruto qui illum, nondum interposita auctoritate vestra, suo consilio atque judicio non ut consulem recepit, sed ut hostem arcuit Gallia, seque obsideri quam hanc urbem maluit. Habeat ergo hujus tanti facti tamque praeclari decreto vestro testimonium sempiternum; Galliaque, quae semper praesidet atque praesedit huic imperio libertatique communi, merito vereque laudetur, quod se suasque vires non tradidit, sed opposuit Antonio.

XIV. Atque etiam M. Lepido pro ejus egregiis in rem publicam meritis decernendos honores quam amplissimos censeo. Semper ille populum Romanum liberum voluit, maximumque signum illo die dedit voluntatis et judicii sui, quum Antonio diadema Caesari imponente se avertit gemituque et maestitia declaravit quantum haberet odium servitutis, quam populum Romanum liberum cuperet, quam illa quae tulerat temporum magis necessitate quam judicio tulisset. Quanta vero is moderatione usus sit in illo tempore civitatis, quod post mortem Caesaris consecutum est, quis nostrum oblivisci potest? Magna haec, sed ad majora properat oratio. Quid enim, o dii immortales, admirabilius omnibus gentibus, quid optatius populo Romano accidere potuit quam, quum bellum civile maximum esset, cujus belli exitum omnes timeremus, sapientia etiam id potius exstingui quam armis et ferro rem in discrimen adducere? Quod si eadem ratio Caesaris fuisset in illo taetro

14. *M. Lepido*] The governor of Hispania Citerior, and also of Gallia Narbonensis.—'Antonio diadema:' Introduction, p. 451.

moderatione . . . quod post mortem] He did nothing against the assassins, though it seems that he might have done, if he liked, or if Antonius had not persuaded him to keep quiet (Introd. p. 452).

bellum civile] In Spain after Caesar's death, for Sex. Pompeius was still there.—'sapientia etiam:' Ant. Augustinus proposed 'sapienti clementia potius.' Halm suggests 'sapientia et clementia.' Ursini says: "in Lepidi numismatibus Clementiae simulacrum incisum est, Aemiliae gentis vel potius Lepidi ipsius insigne, ut opinor, peculiare."

Caesaris] The Dictator. He alludes to the Spanish war, B.C. 45, in which Cn., one of the sons of Cn. Pompeius Magnus, lost his life (Bell. Hisp. c. 39).—'fraudi:' see c. 12.—'Sex. Pompeium:' Lepidus had come to terms with him. Sextus was to be restored and indemnified for the loss of his father's property (see Phil. xiii. c. 4 and 5). Appian (B. C. iii. 4) says that Antonius proposed to the senate to recall Sex. Pompeius from Spain, where he was still opposed by the generals of the Dictator's party, and to indemnify him out of the 'aerarium' for the loss of his father's property which had been confiscated. The amount of the indemnity was 'bis millies,' an enormous sum, about a million and

miseroque bello, ut omittam patrem, duos Cn. Pompeii summi et singularis viri filios incolumes haberemus, quibus certe pietas fraudi esse non debuit. Utinam omnes M. Lepidus servare potuisset. Facturum fuisse declaravit in eo quod potuit, quum Sex. Pompeium restituit civitati, maximum ornamentum rei publicae, clarissimum monumentum clementiae suae. Gravis illa fortuna populi Romani, grave fatum. Pompeio enim patre, quod imperii populi Romani lumen fuit, exstincto, interfectus est patris simillimus filius. Sed omnia mihi videntur deorum immortalium judicio expiata, Sex. Pompeio rei publicae conservato.

XV. Quam ob caussam justam atque magnam, et quod periculosissimum civile bellum maximumque humanitate et sapientia sua M. Lepidus ad pacem concordiamque convertit, senatusconsultum his verbis censeo perscribendum: Quum a M. Lepido imperatore, pontifice maximo, saepenumero res publica et bene et feliciter gesta sit, populusque Romanus intellexerit ei dominatum regium maxime displicere, quumque ejus opera, virtute, consilio, singularique clementia et mansuetudine bellum acerbissimum civile sit restinctum, Sextusque Pompeius Cnaei filius Magnus hujus ordinis auctoritate ab armis discesserit, et a M. Lepido imperatore, pontifice maximo, summa senatus populique Romani voluntate civitati restitutus sit, senatum populumque Romanum pro maximis plurimisque in rem publicam M. Lepidi meritis, magnam spem in ejus virtute, auctoritate, felicitate reponere otii, pacis, concordiae, libertatis, ejusque in rem publicam meritorum senatum populumque Romanum memorem fore, eique statuam equestrem inauratam in rostris, aut quo alio loco in foro velit, ex hujus ordinis sententia statui placere.—Qui honos, patres conscripti, mihi maximus videtur primum, quia justus est, non enim solum datur propter spem temporum reliquorum, sed pro amplissimis meritis redditur, nec vero cuiquam possumus commemorare hunc honorem a senatu tributum judicio senatus soluto et libero.

three quarters of a million sterling. Dion (45, c. 10) says that Sextus defeated C. Asinius Pollio in Spain after Caesar's death, and that Lepidus on his arrival to take the government of Hispania Citerior persuaded Sextus to accept the restitution of his father's property. He adds that Antonius through friendship to Lepidus and enmity to Caesar, got the bargain ratified at Rome, and that Sextus left Spain.

15. *pontifice maximo*] Antonius had got Lepidus made Pontifex Maximus in place of the deceased Dictator. But Lepidus was appointed by the college of Pontifices instead of being elected by the people according to the Lex Domitia (Dion 44, c. 53; Velleius ii. c. 63; Liv. Ep. 117). See De Leg. Agrar. ii. c. 7, Vol. ii.

statuam equestrem] and gilded, as usual.

quo alio . . . velit] 'velit' is Ernesti's correction. Halm retains 'vellet,' the common reading.

judicio . . . soluto et libero] L. Sulla had received this honour, but the senate was not free then. Velleius (ii. c. 61) speaks of Cn. Pompeius Magnus having had

XVI. Venio ad C. Caesarem, patres conscripti, qui nisi fuisset, quis nostrum esse potuisset? Advolabat ad urbem a Brundisio homo impotentissimus, ardens odio, animo hostili in omnes bonos, cum exercitu Antonius. Quid hujus audaciae et sceleri poterat opponi? Nondum ullos duces habebamus, non copias; nullum erat consilium publicum, nulla libertas; dandae cervices erant crudelitati nefariae; fugam quaerebamus omnes, quae ipsa exitum non habebat. Quis tum nobis, quis populo Romano obtulit hunc divinum adolescentem deus? qui, quum omnia ad perniciem nostram pestifero illi civi paterent, subito praeter spem omnium exortus prius confecit exercitum, quem furori M. Antonii opponeret, quam quisquam hoc eum cogitare suspicaretur. Magni honores habiti Cn. Pompeio, quum esset adolescens, et quidem jure; subvenit enim rei publicae sed aetate multo robustior, et militum ducem quaerentium studio paratior et in alio genere belli; non enim omnibus Sullae caussa grata: declarat multitudo proscriptorum, tot municipiorum maximae calamitates. Caesar autem annis multis minor veteranos cupientes jam requiescere armavit; eam complexus est caussam quae esset senatui, quae populo, quae cunctae Italiae, quae diis hominibusque gratissima. Et Pompeius ad L. Sullae maximum imperium victoremque exercitum accessit: Caesar se ad neminem adjunxit; ipse princeps exercitus faciendi et praesidii comparandi fuit. Ille adversariorum partibus agrum Picenum habuit inimicum:

this honour, and C. Caesar. If Pompeius received it from the senate, we must suppose that Cicero's statement here is not true, for the senate was free then. But Velleius may be mistaken.

16. *a Brundisio*] See the Introd. to Phil. iii.—'nullum . . . consilium publicum:' no senate. The senate was 'publicum consilium.'

divinum] Because some god sent him. —'quam quisquam:' except Cicero, who was in the country and knew what the 'divinus adolescens' was doing.

Cn. Pompeio] Plutarch (Pomp.) speaks of all this, and Cicero, De Imp. Cn. Pomp. Vol. ii.—'studio paratior:' Halm writes 'studio paratiore,' a small change, and it is one that may be accepted, if it improves the text, or if the other is not as good. He supports his alteration by referring to the antitheton in 'veteranos cupientes jam requiescere armavit.' I prefer 'paratior.' 'Militum studio paratior' corresponds to 'aetate robustior,' and 'ducem quaerentium' to 'veteranos . . . 'requiescere.'

ad L. Sullae] He joined Sulla, who received him well (Plutarch, Pomp. c. 8).—'adversariorum partibus:' 'in adversariorum' V i, and the common texts. Halm has properly omitted the 'in,' following Ferrarius, who observes that 'in' spoils the sense; for Pompeius raised his troops 'ex inimicis adversariorum,' from those who were opposed to his enemies; but Caesar raised his troops from among the friends of Antonius; which is a harder thing to do. The Ager Picenus was favourable to Pompeius, who had property there (Plutarch, Pomp. c. 6). Ant. Augustinus proposed to write 'amicum' for 'inimicum,' as Ursini says. I suppose that he retained the 'in.'

imperium] Here he gives a kind of definition of 'imperium.' See Vols. i. ii. Index, 'Imperium.'—'pro praetore:' he had not been praetor, but they could give him the title and powers of 'pro praetore.' Cicero proposes that Caesar should have the full authority of a 'pro praetore' ('eo jure quo qui optimo,' i. e. 'eo jure quo est qui optimo jure est'). The expression 'jure optimo' is explained Vol. iii. De Harusp. Resp. c. 7, and the note.

hic ex Antonii amicis, sed amicioribus libertatis, contra Antonium confecit exercitum. Illius opibus Sulla regnavit: hujus praesidio Antonii dominatus oppressus est. Demus igitur imperium Caesari, sine quo res militaris administrari, teneri exercitus, bellum geri non potest. Sit pro praetore eo jure quo qui optimo. Qui honos quamquam est magnus illa aetate, tamen ad necessitatem rerum gerendarum, non solum ad dignitatem valet. Itaque illa quaeramus, quae vix hodierno die consequemur. XVII. Sed saepe spero fore hujus adolescentis honorandi et nobis et populo Romano potestatem: hoc autem tempore ita censeo decernendum.—Quod C. Caesar, Caii filius, pontifex, pro praetore, summo rei publicae tempore milites veteranos ad libertatem populi Romani cohortatus sit eosque conscripserit, quodque legio Martia atque Quarta summo studio optimoque in rem publicam consensu C. Caesare duce et auctore rem publicam, libertatem populi Romani defendant defenderint, et quod C. Caesar pro praetore Galliae provinciae cum exercitu subsidio profectus sit, equites, sagittarios, elephantos in suam populique Romani potestatem redegerit, difficillimoque rei publicae tempore saluti dignitatique populi Romani subvenerit; ob eas caussas senatui placere C. Caesarem, Caii filium, pontificem, pro praetore, senatorem esse sententiamque loco praetorio dicere, ejusque rationem, quemcumque magistratum petet, ita haberi, ut haberi lege liceret, si anno superiore quaestor fuisset.—Quid est enim, patres conscripti, cur eum non quam primum amplissimos honores capere cupiamus? Legibus enim annalibus quum grandiorem aetatem ad consulatum constituebant, adolescentiae temeritatem verebantur. C. Caesar ineunte aetate docuit ab excellenti eximiaque virtute pro-

illa aetate] "Graevius: *illa aetati* V. quam veterem ablativi formam Muretus et Garatoni tuentur; *illi aetati*, i" (Halm).

illa quaeramus] 'let us try to give him those honours, which we shall hardly be able to do sufficiently on this present day.' The next sentence explains this. Cicero flattered the Dictator, and he flatters the Dictator's great nephew.

17. *honorandi*] Halm; "hortandi honorandi V[1], duabus lectionibus, ut persaepe codex habet, conjunctis" (Halm). Some texts have 'ornandi honorandique.'

elephantos] Probably these elephants were in the legions which passed over from Antonius to Caesar.

loco praetorio] As if he were 'praetorius.' See Pro Balbo, c. 25, and the note.—'ejusque rationem ... fuisset:' this is a common use of 'ratio ... haberi' in speaking of the 'honores' of the state (Phil. ii. c. 10, and the note). If Caesar should be a candidate for any Magistratus, he was to be in the same position as if he had been quaestor the year before. Ursini thought that we should read 'praetor' for 'quaestor;' but as he says "repugnant libri veteres."—'ut haberi:' Faernus and Muretus. V. has 'perut haberi.'

Legibus annalibus] These were the Leges which determined the age at which a man should be capable of filling the several Magistratus. There was the Lex Villia (Index, Vol. ii. Livy 40, c. 44), and a Lex Pinaria, of which we know nothing. The age fixed for the quaestorship was thirty-one. The age for the consulship was forty-three, as the words near the end of the chapter show.—'veteres illi admodum antiqui:' see the Index, 'Antiqui.'

gressum aetatis exspectari non oportere. Itaque majores nostri, veteres illi admodum antiqui, leges annales non habebant, quas multis post annis attulit ambitio ut gradus essent petitionis inter aequales. Ita saepe magna indoles virtutis priusquam rei publicae prodesse potuisset exstincta est. At vero apud antiquos Rulli, Decii, Corvini, multique alii, recentiore autem memoria superior Africanus, T. Flamininus, admodum adolescentes consules facti tantas res gesserunt ut populi Romani imperium auxerint, nomen ornarint. Quid, Macedo Alexander, quum ab ineunte aetate res maximas gerere coepisset, nonne tertio et tricesimo anno mortem obiit? quae est aetas nostris legibus decem annis minor quam consularis. Ex quo judicari potest virtutis esse quam aetatis cursum celeriorem. XVIII. Nam quod ii qui Caesari invident simulant se timere, ne verendum quidem est, ut tenere se possit, ut moderari, ne honoribus nostris elatus intemperantius suis opibus utatur. Ea natura rerum est, patres conscripti, ut qui sensum verae gloriae ceperit, quique se ab senatu, ab equitibus populoque Romano universo senserit civem carum haberi salutaremque rei publicae, nihil cum hac gloria comparandum putet. Utinam C. Caesari, patri dico, contigisset adolescenti ut esset senatui atque optimo cuique carissimus; quod quum consequi neglexisset, omnem vim ingenii, quae summa fuit in illo, in populari levitate consumpsit. Itaque quum respectum ad senatum et ad bonos non haberet, eam sibi viam ipse patefecit ad opes suas amplificandas quam virtus liberi populi ferre non posset. Ejus autem filii longissime diversa ratio est, qui quum omnibus est, tum optimo cuique carissimus. In hoc spes libertatis posita est, ab hoc accepta jam salus, huic summi honores et exquiruntur et parati sunt. Cujus igitur singularem prudentiam admiramur, ejus stultitiam timemus? Quid enim stultius quam inutilem potentiam, invidiosas opes, cupiditatem dominandi praecipitem et lubricam anteferre verae, gravi, solidae gloriae? An hoc vidit puer; si aetate processerit, non videbit?—At est qui-

Rulli] Q. Fabius Maximus Rullus commanded in the Second Samnite War. He was consul in B.C. 322, and as we learn from this passage he was elected at an early age. He was the great grandfather of Cunctator. The others who are here mentioned are some of Cicero's stock personges. The Superior Africanus is Africanus Major, and T. Quinctius Flamininus is the conqueror of King Philip of Macedonia.

18. *timere, ne verendum quidem est*] 'Vereri' then is less than 'timere.' In Pro Quintio c. i., Cicero contrasts 'vereor' and 'metuo' (Vol. ii.). In Phil. xii. c. 12 he says: "Horum ego cogitationem non vereor; impetum pertimesco." Here we have a hint as to the common use of 'vereor,' which is an apprehension of men's opinion, judgment, and the like; as "sed unam rem vereor ne non probes" (Phil. ii. c. 14); "Etenim vereor ne aut celatum me illis ipsis non honestum, aut invitatum refugisse mihi sit turpissimum" (Phil. ii. c. 13).

busdam inimicus clarissimis atque optimis civibus.—Nullus iste timor esse debet. Omnes Caesar inimicitias rei publicae condonavit: hanc sibi judicem constituit, hanc moderatricem omnium * atque factorum. Ita enim ad rem publicam accessit ut eam confirmaret, non ut everteret. Omnes habeo cognitos sensus adolescentis. Nihil est illi re publica carius, nihil vestra auctoritate gravius, nihil bonorum virorum judicio optatius, nihil vera gloria dulcius. Quamobrem ab eo non modo nihil timere, sed majora et meliora exspectare debetis; neque in eo qui ad D. Brutum obsidione liberandum profectus sit timere, ne memoria maneat domestici doloris, quae plus apud eum possit quam salus civitatis. Audebo etiam obligare fidem meam, patres conscripti, vobis populoque Romano reique publicae, quod profecto, quum me nulla vis cogeret, facere non auderem, pertimescerem que in re maxima periculosam opinionem temeritatis; promitto, recipio, spondeo, patres conscripti, C. Caesarem talem semper fore civem qualis hodie sit qualemque eum maxime esse velle et optare debemus.

XIX. Quae quum ita sint, de Caesare satis hoc tempore dictum habebo. Nec vero de L. Egnatuleio, fortissimo et constantissimo cive amicissimoque rei publicae, silendum arbitror, sed tribuendum testimonium virtutis egregiae, quod is legionem Quartam ad Caesarem adduxerit, quae praesidio consulibus, senatui populoque Romano reique publicae esset: ob eam caussam placere uti L. Egnatuleio triennium ante legitimum tempus magistratus petere, capere, gerere liceat. In quo, patres conscripti, non tantum commodum tribuitur L. Egnatuleio quantus honos; in tali enim re satis est nominari.

*omnium * atque*] 'omnium atque factorum' V. If this is the true reading some word has been omitted, and Faernus suggested 'consiliorum,' which he placed before 'omnium.' Muretus conjectured that 'dictorum' is the word which is lost.

Omnes habeo cognitos] We have no reason for thinking that Cicero was not sincere when he said of young Caesar all that he says in this chapter. He must have seen, he who saw clearly enough into the future, that, unless Antonius were put down, he must perish himself. The duplicity of Caesar was more than Cicero was a match for, but I think that the heat of his passion against Antonius, and fear for his personal safety, made him ready to believe what he wished, and so his judgment was blinded.

domestici doloris]. The Dictator's murder.—'obligare fidem:' to pledge his credit, as we say. Here he is speaking in the language which is applied to one man becoming a surety for another. He says 'promitto, recipio, spondeo.' The first and last are formal words. The second, I believe, is not.

19. *Quartam . . . adduxerit*] Here he says that Egnatuleius led the Quarta to Caesar, but he does not say where Caesar was when Egnatuleius led the legion to him.

legitimum tempus] See c. 17.

magistratus petere] 'magna petere' V, 'magistratus petere' i. Halm writes 'magistratum,' which I suppose to be a conjecture. Perhaps 'magistratum' is right.—'satis est nominari:' that was the 'honos,' to be mentioned. The privilege itself was not much. Some editors have 'non tam commodum . . . quam honos,' and some 'quantum honos.'

De exercitu autem C. Caesaris ita censeo decernendum : Senatui placere, militibus veteranis, qui Caesaris pontificis * * * * * auctoritatemque hujus ordinis defenderint [atque] defendant, iis liberisque eorum militiae vacationem esse, utique C. Pansa A. Hirtius consules, alter ambove, si eis videretur, cognoscerent qui ager iis coloniis esset, quo milites veterani deducti essent, qui contra legem Juliam possideretur, ut is militibus veteranis divideretur; de agro Campano separatim cognoscerent, inirentque rationem de commodis militum veteranorum augendis, legionique Martiae et legioni Quartae et iis militibus qui de legione Secunda, Tricesima Quinta ad C. Pansam A. Hirtium consules venissent suaque nomina dedissent, quod iis auctoritas senatus populique Romani libertas carissima sit et fuerit, vacationem militiae ipsis liberisque eorum esse placere extra tumultum Gallicum Italicumque; easque legiones bello confecto missas fieri placere; quantamque pecuniam militibus earum legionum in singulos C. Caesar, pontifex, pro praetore, pollicitus sit, tantam dari placere; utique C. Pansa A. Hirtius consules, alter ambove, si eis videretur, rationem agri haberent qui sine injuria privatorum dividi posset; iisque militibus, legioni Martiae et legioni Quartae ita darent assignarent, ut quibus militibus amplissime dati assignati essent.—Dixi ad ea omnia, consules, de quibus rettulistis; quae si erunt sine mora matureque decreta, facilius apparabitis ea quae tempus et necessitas flagitat. Celeritate autem opus est, qua si essemus usi, bellum, ut saepe dixi, nullum haberemus.

Caesaris pontificis] Something is lost here. Manutius suggested 'voluntatem secuti sint.' Garatoni added and Halm has put it in his text in Italics: "auctoritatem secuti libertatem populi Romani," from Phil. iii. c. 15.

[*atque*]] Ernesti erased 'atque;' and it ought not to be in. if Cicero followed the Roman formula used in such cases.—'militiae vacationem:' a passage a little further on shows that something is lost here, or we must limit the generality of these terms by what comes after: 'extra tumultum Gallicum Italicumque.'

si eis videretur] or S. E. V., as this formula is abbreviated in some editions.—'qui contra legem Juliam possideretur:' "ab iis quibus Antonius postea dedisset" (Manutius).—'Tricesima Quinta:' 'xxxv' V i. Muretus (In Ciceronis Phil. Scholia, p. 998) says that these 'notae' mean 'triginta quinque milites,' not 'tricesima quinta legio.' But Halm refers to Galba's letter to Cicero (Ad Div. x. 30, 3), where we have 'legionem xxxv.' Some of this legion had deserted Antonius. Cicero says (Phil. iii. c. 12), to which Manutius refers, "In Galliam mutilatum ducit exercitum." But Antonius still had the greater part of the Tricesima Quinta, as Galba's letter shows.

alter ambove, si eis videretur] '*a. a. ueseu*' V.; on which Ursini says: "Quum in libro Vaticano *a. a. seu rationem*, &c. scriptum reperissem, facile intellexi senatusconsulti formulam significari, quae totidem literis interpunctionis nota distinctis, in vetere apud me senatusconsulto in aenea tabula expressa est hoc modo A. A. S. E. V., hoc est, *alter ambove si eis videretur*." In the first instance where this formula occurs in this chapter Halm gives the reading of V[1] thus: 'aa. uesieu,' and in the second, 'a. a. ueseu.' There is no doubt that Ursini has explained it right.

haberent . . . posset] Schuetz, Halm. V has 'habent . . . possit.'

INTRODUCTION TO THE SIXTH PHILIPPIC.

THIS address to the people was delivered on the 4th of January, B.C. 43. Cicero's proposal made in the Fifth Philippic to declare Antonius an enemy was not accepted by the senate; but it was decreed: That a statue should be erected in honour of Caesar, that he should be a senator with the rank of quaestor, and that he might be a candidate for the other magistracies ten years before the usual time, and that he should be repaid out of the Aerarium the money which he had given to his soldiers, because, though he had enlisted them himself, he had done it on behalf of the state; that both these soldiers and those who had deserted from Antonius should be free from serving in any other war, and that lands should immediately be granted to them. They also sent ambassadors to Antonius to order him to give up his troops, to leave Gallia, and to retire to Macedonia; and to give his soldiers notice to retire within a limited time, or they would be treated as enemies. The senate also determined to deprive the senators of the provincial governments which they had received from Antonius, and to send others in their place (Dion 46, c. 29). Appian (B. C. iii. c. 50) says that the debate in the senate on the 1st of January was continued to a late hour at night; that the senate met again early the next day, and that Antonius would have been declared an enemy to the state if the tribune Salvius had not adjourned the debate to the next day, the 3rd of January. The senate however voted the rest of Cicero's proposal made in his Fifth Philippic, as to the honours of Caesar and the other matters. The senate met again on the 4th. On the previous night Antonius' wife and mother with his young son had gone round to the principal senators to solicit for Antonius; and on the morning of the 4th they presented themselves in black to the senators as they were going to the senate, and endeavoured to move their compassion. On this day Cicero spoke again in the senate, and again urged that Antonius should be declared an enemy. Piso spoke against Cicero's motion, and prevailed on the senate to reject it (Appian, B. C. iii. c. 61). The senate voted that Macedonia should be given to Antonius instead of Gallia; and this was consistent with what had been done before, for Piso said (c. 55), that the senate had voted Gallia to Antonius and the people had confirmed the vote, when Cicero himself was present. He added that it was also

stated in the Lex, that Antonius should take possession of the province which had been given to him, and should make war on Decimus Brutus if he did not give up Gallia to him. He went on to say that Cicero would not consider Decimus as an enemy to the state, though he was in arms contrary to the law, and yet he proposed to consider Antonius as an enemy who was acting according to the law.

After voting that Antonius should have Macedonia instead of Gallia, "either through carelessness or purposely, the senate empowered Cicero to draw up the instructions for the ambassadors to Antonius. But Cicero, making some alteration, drew them up in these terms: That Antonius must immediately retire from Mutina, and give up Gallia to Decimus; that he must withdraw south of the Rubicon, the boundary of Italy and Gallia, within a certain day, and submit entirely to the senate. Thus passionately and falsely Cicero drew up the instructions, not so much from his great enmity, but, as it seems, because the daemon was stirring up public matters to a change, and plotting mischief against Cicero" (Appian, B. C. iii. 61; and compare Phil. vi. c. 3). We must take this as we receive it. We cannot tell whether it is the truth or not. We may have our own opinion about the daemon's share in the business.

It seems that Cicero addressed the people on the 4th of January, after the determination of the senate to send ambassadors to Antonius.

ORATIONUM PHILIPPICARUM

LIBER SEXTUS.

I. AUDITA vobis esse arbitror, Quirites, quae sint acta in senatu, quae fuerit cujusque sententia. Res enim ex Kalendis Januariis agitata paullo ante confecta est, minus quidem illa severe quam decuit, non tamen omnino dissolute. Mora est allata bello, non caussa sublata. Quamobrem quod quaesivit ex me P. Apuleius, homo et multis officiis mihi et summa familiaritate conjunctus et vobis amicissimus, ita respondebo ut ea quibus non interfuistis nosse possitis. Caussa fortissimis optimisque consulibus Kalendis Januariis de re publica primum referendi fuit ex eo quod XIII Kalendas Jan. senatus me auctore decrevit. Eo die primum, Quirites, fundamenta jacta sunt rei publicae; fuit enim longo intervallo ita liber senatus ut vos aliquando liberi essetis. Quo quidem tempore, etiamsi ille dies vitae finem mihi allaturus esset, satis magnum ceperam fructum, quum vos universi una mente atque voce iterum a me conservatam esse rem publicam concla-

1. *Audita*] Manutius says that this passage shows that the doors of the Templum in which the senate deliberated on the 1st of January were open, and that some of the people could hear what was said, but as they could not all hear, Cicero was introduced on the Rostra by the Tr. pl. P. Apuleius, and told the people what had been said. I don't think that this is the explanation of 'audita.' I suppose that the people had heard in some other way.

ex Kalendis] Beginning on the Kalendae (Phil. xiv. c. 7).—'severe . . . dissolute:' these words are opposed. 'The matter was settled less strictly than it ought to have been, not however altogether in a careless way.'—'mora:' twenty days, as appears from the Sixth Philippic (c. 6) (Manutius).

quaesivit] Perhaps it was the practice for the Magistratus who brought forward a man to address the people, and it was necessary that some Magistratus should do so, to begin by asking the man, as Cicero here says, what had taken place in the senate; and on this hint he would speak.

ex eo quod XIII *Kalendas Jan.*] See Phil. iii. and iv.—'iterum:' the first occasion was the conspiracy of Catilina, which he never lets us forget.—'conclamastis:' "habita quarta Philippica" (Manutius).

mastis. Hoc vestro judicio tanto tamque praeclaro excitatus ita Kalendis Januariis veni in senatum ut meminissem quam personam impositam a vobis sustinerem. Itaque bellum nefarium illatum rei publicae quum viderem, nullam moram interponendam insequendi M. Antonium putavi, hominemque audacissimum, qui multis nefariis rebus ante commissis hoc tempore imperatorem populi Romani oppugnaret, coloniam vestram fidissimam fortissimamque obsideret, bello censui persequendum; tumultum esse decrevi, justitium edici, saga sumi dixi placere, quo omnes acrius graviusque incumberent ad ulciscendas rei publicae injurias, si omnia gravissimi belli insignia suscepta a senatu viderent. Itaque haec sententia, Quirites, sic per triduum valuit ut quamquam discessio facta non esset, tamen praeter paucos omnes mihi assensuri viderentur. Hodierno autem die nescio qua [eis] objecta re remissior senatus fuit; nam plures eam sententiam secuti sunt, ut quantum senatus auctoritas vesterque consensus apud Antonium valiturus esset per legatos experiremur.

II. Intelligo, Quirites, a vobis hanc sententiam repudiari, neque injuria. Ad quem enim legatos? ad eumne qui pecunia publica dissipata atque effusa, per vim et contra auspicia impositis rei publicae legibus, fugata contione, obsesso senatu, ad opprimendam rem publicam Brundisio legiones arcessierit, ab iis relictus cum latronum manu in Galliam irruperit, Brutum oppugnet, Mutinam circumsedeat? Quae vobis potest cum hoc gladiatore conditionis, aequitatis, legationis esse communitas? Quamquam, Quirites, non est illa legatio, sed denuntiatio belli, nisi paruerit; ita enim est decretum ut si legati ad Hannibalem mitterentur. Mittuntur enim qui nuntient, ne oppugnet consulem designatum, ne Mutinam obsideat, ne provinciam depopuletur, ne delectus habeat, sit in

quam personam] 'what character,' what part he had to play. See Verr. ii. 2, c. 17, and the note on 'persona.' He says De Leg. Agrar. ii. c. 18: "vos mihi praetori ... hanc personam imposuistis."

coloniam vestram] Mutina.—'edici:' there is a reading 'indici.'

per triduum] I suppose that he includes the 1st of January.—'discessio:' see the Index.—'paucos homines omnes:' V. Here we have a good example of two readings being introduced into the text. The words 'homines' and 'omnes' are continually confounded.—'eis:' V has 'quaeis objectarem remissior:' 'eis' om. i. Faernus proposes 'ei' for 'eis.'

2. *pecunia publica*] Out of the temple of Ops. Introd. p. 454.—'Brundisio arcessierit:' Antonius went to fetch them (Introd. to Phil. iii.).

ne delectus] I believe that I have generally allowed 'delectus' to stand. I am not sure that the editors of Orelli's Cicero have always retained 'dilectus.' The two words were confused, and perhaps both forms were used, as in 'deminutio capitis,' and 'diminutio.' Muretus (Op. Vol. ii. p. 977) says of 'dilectus:' "At semper in antiquissimo epistolarum codice, et fere semper in Pandectis Florentinis, ita in eo etiam libro ex quo haec emendata sunt, semper hoc nomen per literam *i*, non per *e*, in prima syllaba scribitur."

senatus populique Romani potestate. Facile vero huic denuntiationi parebit ut in patrum conscriptorum atque in vestra potestate sit qui in sua numquam fuerit! Quid enim ille umquam arbitrio suo fecit? semper eo tractus est quo libido rapuit, quo levitas, quo furor, quo vinolentia: semper eum duo dissimilia genera tenuerunt lenonum et latronum: ita domesticis stupris, forensibus parricidiis delectatur, ut mulieri citius avarissimae paruerit quam senatui populoque Romano. III. Itaque quod paullo ante feci in senatu faciam apud vos. Testificor, denuntio, ante praedico nihil M. Antonium eorum quae sunt legatis mandata facturum; vastaturum agros, Mutinam obsessurum, delectus qua possit habiturum. Is est enim ille, qui semper senatus judicium et auctoritatem, semper voluntatem vestram potestatemque contempserit. An ille id faciat, quod paullo ante decretum est, ut exercitum citra flumen Rubiconem, qui finis est Galliae, educeret, dum ne propius urbem Romam CC millia admoveret? Huic denuntiationi ille pareat? ille se fluvio Rubicone et CC millibus circumscriptum esse patiatur? Non is est Antonius. Nam si esset, non commisisset ut ei senatus, tamquam Hannibali initio belli Punici, denuntiaret ne oppugnaret Saguntum. Quod vero ita avocatur a Mutina ut ab urbe tamquam pestifera flamma arceatur, quam habet ignominiam, quod judicium senatus! Quid, quod a senatu dantur mandata legatis, ut D. Brutum militesque ejus adeant iisque demonstrent summa in rem publicam merita beneficiaque eorum grata esse senatui populoque Romano, iisque eam rem magnae laudi magnoque honori fore, passurumne censetis Antonium introire Mutinam legatos, exire inde tuto? Numquam patietur, mihi credite. Novi violentiam, novi impudentiam, novi audaciam. Nec vero de illo sicut de homine aliquo debemus, sed ut de importunissima bellua cogitare. Quae quum ita sint, non omnino dissolutum est quod decrevit senatus. Habet atrocitatis aliquid legatio: utinam nihil haberet

genera . . . lenonum et latronum] This is a common Latin form. It is a way of saying 'genera, unum lenonum, alterum latronum,' or 'lenones et latrones,' which are 'duo genera.'

3. *flumen Rubiconem*] The boundary between the province of Gallia Cisalpina and Italy on the Hadriatic. Caesar by crossing it violated the law and made war on Rome. —'propius . . . millia:' or 'milia.' This form is sometimes used, 'quam' being omitted.—'circumscriptum:' see the Index, 'Circumscribere.'

Saguntum] See Phil. v. c. 10.—'ita avocatur . . . ut:' 'his being summoned to leave Mutina and yet ordered to keep away from Rome.' See In Cat. iv. c. 7, and the note on 'ita . . . ut.'

fore, passurumne] Halm. It is sometimes incorrectly printed 'fore? Passurumne.'—'dissolutum:' see c. 1, and the note on 'severe . . . dissolute.'—'atrocitatis:' I suppose we may translate it 'severity.' Compare In Cat. iv. c. 6, "atrocitate animi;" and Pro Caelio, c. 1, Vol. iv.

morae! Nam quum plerisque in rebus gerendis tarditas et procrastinatio odiosa est, tum hoc bellum indiget celeritatis. Succurrendum est D. Bruto, omnes undique copiae colligendae: horam exhibere [nullam] in tali cive liberando sine scelere non possumus. An ille non potuit, si Antonium consulem, si Galliam Antonii provinciam judicasset, legiones Antonio et provinciam tradere, domum redire, triumphare, primus in hoc ordine, quoad magistratum iniret, sententiam dicere? quid negotii fuit? Sed, quum se Brutum esse meminisset vestraeque libertati natum, non otio suo, quid egit aliud nisi ut paene corpore suo Gallia prohiberet Antonium? Ad hunc utrum legatos an legiones ire oportebat? Sed praeterita omittamus. Properent legati, quod video esse facturos: vos saga parate. Est enim ita decretum ut, si ille auctoritati senatus non paruisset, ad saga iretur. Ibitur. Non parebit: nos amissos tot dies rei gerendae queremur.

IV. Non metuo, Quirites, ne, quum audierit Antonius me hoc in senatu et in contione confirmasse numquam illum futurum in senatus potestate, refellendi mei caussa, ut ego nihil vidisse videar, vertat se et senatui pareat. Numquam faciet; non invidebit huic meae gloriae; malet me sapientem a vobis quam se modestum existimari. Quid, ipse si velit, num etiam L. fratrem passurum arbitramur? Nuper quidem dicitur ad Tibur, ut opinor, quum ei labare M. Antonius videretur, mortem fratri esse minitatus. Etiamne ab hoc mirmillone Asiatico senatus mandata, legatorum

horam exhibere [*nullam*]] The MSS. reading; "*eximere* edd. ex conjectura Budaei ut videtur" (Halm), who has 'horam eximere.'

[*nullam*]] Faernus shows that 'eximere diem' is the same as 'tollere,' 'extrahere diem.' Cicero says, for instance, Metellus "calumnia dicendi tempus exemit." The ed. Ven. a. 1474 has 'ullam' for 'nullam.' Wesenberg, quoted by Halm, says, "That nobody will now hesitate about either writing 'ullam' (cum edd. vet.), or with Manutius to erase the 'non,' which is before 'possumus,' or to omit 'nullam,' as he does."—As to 'non' before 'possumus,' we can't get rid of that by any fair means. It remains then to write 'ullam' or to omit 'nullam.' The difficulty is in 'exhibere.' Muretus says that he can make nothing of 'exhibere.' Lambinus proposes to write 'horam excubare nullam.' Ursini says: "sed Faerni lectio contrarium sensum facere videtur; nam qui eximit horam in liberando citius liberare videtur: qui autem addit horam, tardius atque ideo cum scelere. Mihi molestiam exhibet illud *exhibere horam*, quare malim *moram exhibere ullam*." Faernus retained both 'nullam' and 'non;' and perhaps he gave this meaning: 'for we cannot waste, not a single hour, in liberating such a citizen—without a crime we cannot do it.' Graevius says: "vellem docuissent qui lectionem vulgatam retinent quid sit Latinis *horam nullam exhibere* aut quid sit *moram exhibere*.—Itaque cum Faerno, Mureto, Lambino, Manutio recepi *eximere*." I cannot tell what 'horam exhibere nullam' means. 'Exhibere' means to display, to produce, *to present*. 'Moram exhibere' is perhaps as intelligible as 'diligentiam exhibere,' which is Latin. Nor do I well understand 'eximere.'

primus . . . iniret] For D. Brutus was now Consul designatus, and the colleague of L. Plancus.

saga parate] He says "saga sumi dico oportere," Phil. v. c. 12.

4. *mirmillone Asiatico*] As he often

verba audientur? Nec enim secerni a fratre poterit tanta praesertim auctoritate; nam hic inter illos Africanus est; pluris habetur quam L. Trebellius, pluris quam T. Plancus * * * adolescens nobilis. Plancum, qui omnibus sententiis maximo vestro plausu condemnatus nescio quomodo se conjecit in turbam, atque ita maestus rediit ut retractus, non reversus videretur, sic contemnit, tamquam si illi aqua et igni interdictum sit; aliquando negat ei locum esse oportere in curia qui incenderit curiam. Nam Trebellium valde jam diligit; oderat tum, quum ille tabulis novis adversabatur: jam fert in oculis, postquam ipsum Trebellium vidit sine tabulis novis salvum esse non posse. Audisse enim vos arbitror, Quirites, quod etiam videre potuistis, quotidie sponsores et creditores L. Trebellii convenire. O fides!—hoc enim puto Trebellium sumpsisse cognomen—quae potest esse major fides quam fraudare creditores, domo profugere, propter aes alienum ire ad arma? Ubi plausus ille in triumpho est, saepe ludis? ubi aedilitas delata summo studio bonorum? Quis est qui hunc non casu existimet recte fecisse? [Nequitia est scelere.] V. Sed redeo ad amores deliciasque vestras, L. Antonium, qui vos omnes in fidem suam recepit. Negatis? Num quisnam est vestrum qui tribum non habeat? Certe nemo. Atqui illum quinque et triginta tribus patronum adoptarunt. Rursus reclamatis? Aspicite illam a sinistra equestrem statuam inauratam, in qua quid inscriptum est?

calls L. Antonius (Phil. v. c. 7).—'tanta . . . auctoritate:' especially as they have such a high opinion of him; for he is their Scipio Africanus.

T. Plancus] T. Manutius Plancus Bursa, the brother of L. Plancus, consul designatus. After the word Plancus "in V unus versus in rasura scriptus est," &c. There is a name omitted probably. Faernus filled up the hole with the name 'Exitius' (see Phil. xiii. c. 13). T. Plancus was an enemy of Cicero in the time of Milo's troubles. He was tried and convicted for urging the people to burn the Curia. Caesar restored him in the beginning of the Civil War.

se conjecit in turbam] "Romam redeuntium victore Caesare" (Manutius).

tabulis novis] See Introd. p. 450.—'sponsores et creditores:' Trebellius' sureties ('sponsores') and creditors were daily meeting about his debts.

O fides!—hoc enim] 'O honesty,' says Cicero, honesty in paying debts he means, 'what is greater proof of honesty than to cheat one's creditors!' Trebellius first resisted the 'tabulae novae,' or proposal for a settlement of debts at the expense of creditors. Cicero calls him (Phil. xiii. 12) "fidei patronus, fraudator creditorum." His cognomen is Cicero's invention. He would call him 'L. Trebellius Fides.' Manutius says in his note "cognomen hoc nusquam nominatur." I should think so.

in triumpho] Trebellius had not had a triumph. But he may have followed in some man's triumphal train and been applauded, as Manutius says.

[*Nequitia est scelere*]] V. Various attempts have been made to correct this. Faernus proposed 'nequitia excellere:' Halm has 'nequitia sceleste,' the feeble correction of Nipperdey. Muretus says, "in vetere libro post vocem *scelere* parva quaedam lacuna est."

5. *in fidem . . . recepit*] has taken all of you under his protection. "Caesar honoris Divitiaci atque Aeduorum caussa sese eos in fidem recepturum et conservaturum dixit" (B. G. ii. c. 15). Cicero says (Ad Div. xiii. 16) "dignus quem in fidem atque amicitiam meam reciperem."—'quisnam:' Halm, instead of 'quispiam.'

QUINQUE ET TRIGINTA TRIBUS PATRONO. Populi Romani igitur est patronus L. Antonius. Malam quidem illi pestem! clamori enim vestro assentior. Non modo hic latro, quem clientem habere nemo velit, sed quis umquam tantis opibus, tantis rebus gestis fuit, qui se populi Romani, victoris dominique omnium gentium, patronum dicere auderet? In foro L. Antonii statuam videmus, sicut illam Q. Tremuli qui Hernicos devicit ante Castoris. O impudentiam incredibilem! Tantumne sibi sumpsit, quia Mylasis mirmillo Thracem jugulavit, familiarem suum? Quonam modo istum ferre possemus, si in hoc foro spectantibus vobis depugnasset? Sed haec una statua. Altera ab equitibus Romanis equo publico, qui item ascribunt PATRONO. Quem umquam iste ordo patronum adoptavit? Si quemquam, debuit me. Sed me omitto. Quem censorem? quem imperatorem? Agrum iis divisit. O sordidos qui acceperint! improbum qui dederit! Statuerunt etiam tribuni militares, qui in exercitu Caesaris bis fuerunt. Quis est iste ordo? Multi fuerunt multis in legionibus per tot annos. His quoque divisit Semurium. Campus Martius restabat, nisi prius cum fratre fugisset. Sed haec agrorum assignatio paullo ante, Quirites, L. Caesaris, clarissimi viri et praestantissimi senatoris, sententia dissoluta est; huic enim assensi septemvirum acta sus-

Non modo hic latro] 'Non modo,' followed by the interrogative form 'sed quis umquam,' is not common. He begins without the interrogation. 'To say nothing of this thief ... was there ever' &c. We don't want the 'sed' in English.

Q. *Tremuli*] "Beroaldus: *quinti tremelli* V. *q. trebelli* i" (Halm). Manutius observes that the man is Q. Marcius Tremullus "litteris non dubiis ita scriptis in fastis Capitolinis." Livy ix. c. 43: "Marcius de Hernicis triumphans in urbem rediit, statuaque equestris in foro decreta est, quae ante templum Castoris posita est." This 'statua equestris' was 'togata,' as Pliny says (34, c. 6).

Thracem] 'Thraecem' Halm. 'Thraecm (sic)' V.

equo publico] The words 'equo publico' qualify 'equitibus Romanis,' 'the Roman Equites who had a horse furnished by the state.' These were the original Equites equo publico, the Equites who formed eighteen Centuriae, who must be distinguished from those Equites, who were of later origin, who received pay and served on their own horses. These more recent Equites had no peculiar distinction in peace: "It is still only the Equites equo publico who vote in the eighteen Centuriae; they are properly the Equites Romani, and even to the close of the Republic" (Becker, Handbuch der Röm. Alt. ii. 1, p. 269, who refers to this passage, Phil. vi. 5, and also to Phil. vii. 6: "patronus centuriarum equitum Romanorum," &c.).

Statuerunt etiam] Erected a statue (comp. Phil. vii. c. 6).—'Caesaris bis:' "*bis* Garatoni. *duobus* V i" (Halm). Ferrarius approved of 'duobus,' meaning Caesar's army in the Gallic War and his army in the Civil War.

His quoque] V, 'iis quoque' Halm. Ferrarius proposed to write 'Remurium' or 'Remoriam' for 'Semurium.' He refers to Plutarch (Romulus, c. 9), who says that there was a spot on the Aventinus where Romus wished to build the city, which from him was named Remonium, but now is called Rignarium. But Lambinus refers to a passage in Macrobius (Sat. i. 10): "Cato ait Larentiam meretricio quaestu locupletatam post excessum suum populo agros Turacem, Semurium, Lutirium, et Solinium reliquisse."

septemvirum] Introd. p. 454.—'instruxerant:' they had not yet stocked the

tulimus. Jacent beneficia Nuculae: friget patronus Antonius. Nam possessores animo aequiore discedent; nullam impensam fecerant: nondum instruxerant, partim quia non confidebant, partim quia non habebant. Sed illa statua palmaris, de qua, si meliora tempora essent, non possem sine risu dicere: L. ANTONIO A JANO MEDIO PATRONO. Itane? Janus medius in L. Antonii clientela est? Quis umquam in illo Jano inventus est qui L. Antonio mille nummum ferret expensum?

VI. Sed nimis multa de nugis: ad caussam bellumque redeamus; quamquam non alienum fuit personas quasdam a vobis recognosci, ut quibuscum bellum gereretur possetis taciti cogitare. Ego autem vos hortor, Quirites, ut, etiamsi melius aliud fuit, tamen legatorum reditum exspectetis animo aequo. Celeritas detracta de caussa est: boni tamen aliquid accessit ad caussam. Quum enim legati renuntiarint, quod certe renuntiabunt, non in vestra potestate, non in senatus esse Antonium, quis erit tam improbus civis qui illum civem habendum putet? Nunc enim sunt pauci illi quidem, sed tamen plures quam re publica dignum est, qui ita loquantur: ne legatos quidem exspectabimus? Istam certe vocem simulationemque clementiae extorquebit iis res ipsa publica. Quo etiam, ut confitear vobis, Quirites, minus hodierno die contendi, minus laboravi ut mihi senatus assentiens tumultum de-

lands, and some of them because they had not the means. So it must often have happened with these men who got grants of land. (See Index, Vol. i. 'Instrumentum.')

a Jano medio] 'those of the middle of the Janus,' the money lenders of the street Janus. Ferrarius would write 'Jani medii.' Ursini remarks that the Romans said 'a Jano medio' as they said 'a Jano primo' and 'ab imo.' He quotes one of his inscriptions—

OSSA
C. IVLIVS. C. L. NICO-
MACHVS. A. IANO
PRIM. PAL.
C. LEPIDVS
C. L. ANICETVS
A. IANO. MEDIO

As to the Janus see Horace (Epp. i. 1, v. 54),

"—— haec Janus summus ab imo
Perdocet,"

and (Sat. ii. 3, v. 18),

"—— Postquam omnis res mea Janum
Ad medium fracta est, aliena negotia
curo."

"Sed toto hoc de genere, de quaerenda, de collocanda pecunia, vellem etiam de utenda, commodius a quibusdam optimis viris ad Janum medium sedentibus quam ab ullis philosophis ulla in schola disputatur" (De Off. ii. c. 25).

ferret expensum?] 'who in that Janus would ever have lent L. Antonius a thousand sestertii?' See Verr. ii. 1, c. 27, and the note. Here the money would be entered as paid to L. Antonius, which would be a credit to the man who entered it, a debt from L. Antonius.

6. *personas . . . recognosci*] 'to examine into the character of certain men.' —'melius aliud:' not to send Legati, and to declare Antonius an enemy at once.

res ipsa publica] 'res ipsa p.' V. Muretus suspected that 'publica' should be erased.—'viginti diebus:' the time allowed for the Legati to go to Antonius and to return.—'molestiam devorate:' 'swallow this disagreeable thing.' They were to take it and make the best of it, without complaining. So the French say, after Latin fashion, "dévorez cet affront."

cerneret, saga sumi juberet. Malui viginti diebus post sententiam meam laudari ab omnibus quam a paucis hodie vituperari. Quapropter, Quirites, exspectate legatorum reditum et paucorum dierum molestiam devorate. Qui quum redierint, si pacem afferent, cupidum me; si bellum, providum judicatote. An ego non provideam meis civibus, non dies noctesque de vestra libertate, de rei publicae salute cogitem? Quid enim non debeo vobis, Quirites, quem vos a se ortum hominibus nobilissimis, omnibus honoribus, praetulistis? An ingratus sum? quis minus? qui partis honoribus eosdem in foro gessi labores quos petendis. Rudis in republica? Quis exercitatior, qui viginti jam annos bellum geram cum impiis civibus? VII. Quamobrem, Quirites, consilio, quantum potero, labore plus paene quam potero excubabo vigilaboque pro vobis. Etenim quis est civis, praesertim hoc gradu, quo me vos esse voluistis, tam oblitus beneficii vestri, tam immemor patriae, tam inimicus dignitatis suae, quem non excitet, non inflammet tantus vester iste consensus? Multas magnasque habui consul contiones, multis interfui: nullam umquam vidi tantam quanta nunc vestrum est. Unum sentitis omnes, unum studetis, M. Antonii conatus avertere a re publica, furorem exstinguere, opprimere audaciam. Idem volunt omnes ordines: eodem incumbunt municipia coloniae, cuncta Italia. Itaque senatum bene sua sponte firmum firmiorem vestra auctoritate fecistis. Venit tempus, Quirites, serius omnino quam dignum populo Romano fuit, sed tamen ita maturum ut differri jam hora non possit. Fuit aliquis fatalis casus, ut ita dicam, quem tulimus, quoquo modo ferendus fuit: nunc si quis erit, erit voluntarius. Populum Romanum servire fas non est, quem dii immortales omnibus gentibus imperare voluerunt. Res in extremum est adducta discrimen. De libertate decernitur. Aut vincatis oportet, Quirites, quod profecto et pietate vestra et tanta concordia consequemini, aut quidvis potius quam serviatis. Aliae nationes servitutem pati possunt, populi Romani [res] est propria libertas.

cupidum] 'call me a passionate, violent opponent of Antonius.' See Verr. ii. 4, c. 56, and the note. Ursini got wrong in this passage (Phil. vi. 6): he would write 'stupidum,' and Ant. Augustinus, generally an excellent judge of Latinity, would write 'timidum.' But Graevius sets them right by telling us that 'cupidum' is 'nimis partium studiosum.'

a se ortum] Muretus proposes 'hominem a se ortum.'—'quos petendis:' V., 'quos in petendis' i. Garatoni, quoted by Halm, cites De Legg. iii. § 11: "Donum ne capiunto neve danto neve petenda neve gerenda neve gesta potestate."

7. *hora*] Graevius proposed 'horam.'

fatalis casus] Caesar's usurpation.

INTRODUCTION TO THE SEVENTH PHILIPPIC.

This oration was delivered in the senate before the festival of the Lupercalia, which took place in February (xv Kal. Mart.), and before the return of the commissioners who had been sent to M. Antonius. Dion (46, c. 29) mentions the embassy sent to Antonius (Introd. to Phil. vi.). Dion adds: "And no long time after, before they knew Antonius' decision, they voted that it was a Tumultus, and they put off the senatorial dress (comp. Phil. v. c. 12). They gave instructions to the consuls and to Caesar, who had received praetorian rank, to carry on war against Antonius, and they ordered Lepidus and L. Munatius Plancus, the governor of part of Gallia beyond the Alps, to support the consuls and Caesar."

ORATIONUM PHILIPPICARUM

LIBER SEPTIMUS.

I. Parvis de rebus, sed fortasse necessariis consulimur, patres conscripti. De Appia via et de Moneta consul, de Lupercis tribunus plebis refert. Quarum rerum etsi facilis explicatio videtur, tamen animus aberrat a sententia suspensus curis majoribus. Adducta est enim, patres conscripti, res in maximum periculum et extremum paene discrimen. Non sine caussa legatorum [istam] missionem semper timui, numquam probavi; quorum reditus quid sit allaturus ignoro; exspectatio quidem quantum afferat languoris animis quis non videt? Non enim se tenent ii, qui senatum dolent ad auctoritatis pristinae spem revirescere, conjunctum huic ordini populum Romanum, conspirantem Italiam, paratos exercitus, expeditos duces. Jam nunc fingunt responsa Antonii, eaque defendunt. Alii postulare illum ut omnes exercitus dimittantur. Scilicet legatos ad eum misimus, non ut pareret et dicto audiens esset huic ordini, sed ut conditiones ferret, leges imponeret, reserare nos exteris gentibus Italiam juberet, se praesertim incolumi, a quo majus periculum quam ab ullis nationibus extimescendum est. Alii remittere eum nobis Galliam citeriorem, illam ultimam postulare; praeclare—ex qua non legiones solum, sed etiam nationes ad urbem conetur adducere. Alii nihil eum jam nisi modeste postulare. Macedoniam suam vocat omnino, quoniam Caius frater est inde revocatus. Sed quae provincia est ex qua illa fax excitare non

1. *de Moneta*] Perhaps about the temple of Juno Moneta, or something about the mint, as Manutius suggests.—'de Lupercis:' about the Luperci or the celebration of the Lupercalia in February (see Index).

revirescere] V, Halm. 'reviviscere' D. —'reserare:' to expose Italy to attack by disbanding the troops.

modeste] As Manutius suggested and Muretus. Ursini says that the Liber Vaticanus has 'modeste.' D. has 'modesti.' There is a reading 'modestum' in the printed books.

possit incendium? Itaque iidem, quasi providi cives et senatores diligentes, bellicum me cecinisse dicunt, suscipiunt pacis patrocinium. Nonne sic disputant? irritari Antonium non oportuit: nequam est homo ille atque confidens; multi praeterea improbi;—quos quidem a se primum numerare possunt, qui haec loquuntur:—eos cavendos esse denuntiant. Utrum igitur in nefariis civibus ulciscendi quum possis, an pertimescendi diligentior cautio est? II. Atque haec ii loquuntur, qui quondam propter levitatem populares habebantur. Ex quo intelligi potest animo illos abhorruisse semper ab optimo civitatis statu, non voluntate fuisse populares. Qui enim evenit ut, qui in rebus improbis populares fuerint, iidem in re una maxime populari, quod eadem salutaris rei publicae sit, improbos se quam populares esse malint? Me quidem semper, uti scitis, adversarium multitudinis temeritati haec fecit praeclarissima caussa popularem. Et quidem dicuntur, vel potius se ipsi dicunt consulares, quo nomine dignus est nemo, nisi qui tanti honoris nomen potest sustinere. Faveas tu hosti? ille litteras ad te mittat de sua spe rerum secundarum? eas tu laetus proferas, recites, describendas etiam des improbis civibus? eorum augeas animos? bonorum spem virtutemque debilites? et te consularem aut senatorem, denique civem putes? Accipiet in optimam partem C. Pansa, fortissimus consul atque optimus. Etenim dicam animo amicissimo: hunc ipsum, mihi hominem familiarissimum, nisi talis consul esset ut omnes vigilias, curas, cogitationes in rei publicae salute defigeret, consulem non putarem. Quamquam nos ab ineunte illius aetate usus, consuetudo, studiorum etiam honestissimorum societas similitudoque devinxit, ejusdemque cura incredibilis, in asperrimis belli civilis periculis perspecta, docuit non modo salutis, sed etiam dignitatis meae fuisse fautorem; tamen eundem, ut dixi, nisi talis consul esset, negare esse consulem auderem. Idem non modo consulem esse dico, sed etiam memoria mea praestantissimum atque optimum consulem, non quin pari virtute et voluntate alii fuerint, sed tantam caussam non habuerunt in qua et voluntatem et virtutem suam declararent. Hujus magnitudini animi, gravitati, sapientiae tempestas est oblata

bellicum cecinisse] That I have sounded the signal for battle. "Simul atque aliqui motus novus bellicum canere coepit" (Pro Murena, c. 14).

pacis] Ursini's conjecture in place of the readings 'patris' and 'partis.'—'irritari' D, 'irritatum' Halm.—'ulciscendi . . . pertimescendi:' the reading of V, which is preferable to the reading 'ulciscendis . . . pertimescendis.'

2. *populares*] See Index, Vol. i.—'adversarium:' V, 'adversatum' D.

Faveas tu hosti?] He addresses this to some senator, or if it is not addressed to any particular senator, it is intended for him to whom it would apply.

Accipiet in optimam] C. Pansa will take in good part what he is going to say.

formidolosissimi temporis. Tum autem illustratur consulatus quum gubernat rem publicam, si non optabili, at necessario tempore. Magis autem necessarium, patres conscripti, nullum tempus umquam fuit.

III. Itaque ego ille, qui semper pacis auctor fui, cuique pax praesertim civilis, quamquam omnibus bonis, tamen in primis fuit optabilis:—omne enim curriculum industriae nostrae in foro, in curia, in amicorum periculis propulsandis elaboratum est: hinc honores amplissimos, hinc mediocres opes, hinc dignitatem, si quam habemus, consecuti sumus:—ego igitur pacis, ut ita dicam, alumnus, qui, quantuscumque sum,—nihil enim mihi arrogo, sine pace civili certe non fuissem—periculose dico; quemadmodum accepturi, patres conscripti, sitis horreo, sed pro mea perpetua cupiditate vestrae dignitatis retinendae et augendae quaeso oroque vos, patres conscripti, ut primo, si erit vel acerbum auditu vel incredibile a M. Cicerone esse dictum, accipiatis sine offensione quod dixero, neve id prius quam quale sit explicavero repudietis,—ego ille, dicam saepius, pacis semper laudator, semper auctor, pacem cum M. Antonio esse nolo. Magna spe ingredior in reliquam orationem, patres conscripti, quoniam periculosissimum locum silentio sum praetervectus. Cur igitur pacem nolo? Quia turpis est, quia periculosa, quia esse non potest. Quae tria dum explico, peto a vobis, patres conscripti, ut eadem benignitate qua soletis mea verba audiatis.

Quid est inconstantia, levitate, mobilitate, quum singulis hominibus, tum vero universo senatui turpius? Quid porro inconstantius quam, quem modo hostem non verbo, sed re multis decretis judicaritis, cum hoc subito pacem velle conjungi? Nisi vero, quum C. Caesari meritos illi quidem honores et debitos, sed tamen singulares et immortales decrevistis, unam ob caussam, quod contra M. Antonium exercitum comparavisset, non hostem tum Antonium judicavistis, nec tum hostis est a vobis judicatus Antonius, quum laudati auctoritate vestra veterani milites, qui Caesarem secuti essent, nec tum hostem Antonium judicavistis, quum fortissimis legionibus, quod illum, qui consul appellabatur quum esset hostis, reliquissent, vacationes, pecunias, agros spopondistis. IV. Quid, quum Brutum, omine quodam illius generis et nominis natum ad rem publicam liberandam, exercitumque ejus pro libertate populi Romani

3. *silentio*] He had been allowed to make this declaration without any sign of opposition by the senate.

multis decretis] See Phil. iii. and v.—'non hostem tum Antonium:' Halm added 'tum,' which is wanting. V has 'cum' in place of 'tum,' and D omits it.

4. *Brutum, omine . . . generis*] He alludes to the old story of the king-expeller, Brutus.

bellum gerentem cum Antonio, provinciamque fidelissimam atque optimam Galliam laudibus amplissimis affecistis, tum non hostem judicastis Antonium? Quid, quum decrevistis ut consules alter ambove ad bellum proficiscerentur, quod erat bellum, si hostis Antonius non erat? Quid igitur profectus est vir fortissimus, meus collega et familiaris, A. Hirtius consul? at qua imbecillitate, qua macie! sed animi vires corporis infirmitas non retardavit. Aequum, credo, putavit vitam, quam populi Romani votis retinuisset pro libertate populi Romani in discrimen adducere. Quid, quum delectus haberi tota Italia jussistis, quum vacationes omnes sustulistis, tum ille hostis non est judicatus? Armorum officinas in urbe videtis; milites cum gladiis sequuntur consulem; praesidio sunt specie consuli, re et veritate nobis; omnes sine ulla recusatione summo etiam cum studio nomina dant, parent auctoritati vestrae; non est judicatus hostis Antonius? At legatos misimus. Heu, me miserum! cur senatum cogor quem laudavi semper reprehendere? Quid, vos censetis, patres conscripti, legatorum missionem populo Romano vos probavisse? non intelligitis, non auditis, meam sententiam flagitari? cui quum pridie frequentes essetis assensi, postridie ad spem estis inanem pacis devoluti. Quam turpe porro legiones ad senatum legatos mittere, senatum ad Antonium; quamquam illa legatio non est: denuntiatio est paratum illi exitium, nisi paruerit huic ordini. Quid refert tamen? opinio est gravior. Missos enim legatos omnes vident: decreti vestri non omnes verba noverunt. V. Retinenda est igitur nobis constantia, gravitas, perseverantia; repetenda vetus illa severitas, siquidem auctoritas senatus decus, honestatem, laudem dignitatemque desiderat, quibus hic ordo caruit nimium diu. Sed erat tunc excusatio

A. Hirtius] Hirtius had left Rome for North Italy. C. Pansa, the other consul, was now in the senate house (c. 9). Hirtius left Rome in a poor state of health. He had long been ill (Phil. i. c. 15), and the people's prayers and vows had been made for his recovery. Cicero calls him 'collega,' because both he and Hirtius were augurs. —'vacationes omnes:' you allowed none of the usual grounds of excuse from military service.

nomina dant] See Index.

pridie . . . postridie] 'one day you assented, on the next you came down to hopes of peace.' He is not marking any particular days, but only the change in the senate's opinion. Forcellini, who quotes this passage, quotes also Plautus (Stich. i. 2. 65): "Quotidie pridie caveat ne faciat quod pigeat postridie."

legiones ad senatum legatos] The legions of Antonius. Manutius says 'legatos quos mittent, non quos miserint,' for Cotyla came to Rome with Piso and Philippus when they returned from Antonius (Phil. viii.). But Cicero could not know yet that Cotyla would come.

Quid refert tamen?] The ? is put after 'refert' in the editions. Faernus suggested that it should be placed after 'tamen,' and I think that he is right. Cicero had said 'that it is not really an embassy, it is a denunciation of war against Antonius, if he should not obey the senate.' He adds: 'What does this matter after all? Opinion is still against you. For people see that ambassadors have been sent: all of them do not know the terms of your decree.'

5. *erat tunc excusatio*] Under Caesar's usurpation.—'[tum] regio:' V omits 'tum.'

oppressis, misera illa quidem, sed tamen justa: nunc nulla est. Liberati [tum] regio dominatu videbamur; multò postea gravius urgebamur armis domesticis. Ea ipsa depulimus nos quidem; extorquenda sunt. Quod si non possumus facere, dicam quod dignum est senatore et Romano homine, moriamur. Quanta enim illa erit rei publicae turpitudo, quantum dedecus, quanta labes, dicere in hoc ordine sententiam M. Antonium consulari loco! cujus ut omittam innumerabilia scelera urbani consulatus, in quo pecuniam publicam maximam dissipavit, exsules sine lege restituit, vectigalia divendidit, provincias de populi Romani imperio sustulit, regna addixit pecunia, leges civitati per vim imposuit, armis aut obsedit aut exclusit senatum; ut haec, inquam, omittam, ne hoc quidem cogitatis eum qui Mutinam, coloniam populi Romani firmissimam, oppugnarit, imperatorem populi Romani, consulem designatum, obsederit, depopulatus agros sit, hunc in eum ordinem recipi, a quo toties ob has ipsas caussas hostis judicatus sit, quam foedum flagitiosumque sit?

Satis multa de turpitudine: dicam deinceps, ut proposui, de periculo, quod etsi minus est fugiendum quam turpitudo, tamen offendit animos majoris partis hominum magis. VI. Poteritis igitur exploratam habere pacem, quum in civitate Antonium videbitis vel potius Antonios? Nisi forte contemnitis Lucium: ego ne Caium quidem. Sed, ut video, dominabitur Lucius. Est enim patronus xxxv tribuum quarum sua lege, qua cum C. Caesare magistratus partitus est, suffragium sustulit: patronus centuriarum equitum Romanorum, quas item sine suffragio esse voluit; patronus eorum, qui tribuni militares fuerunt; patronus Jani medii. Quis

—'extorquenda sunt:' 'ea ipsa depulimus: nunc quidem vi extorquenda sunt,' the reading of D, which has 'nunc' for 'nos' and 'vi extorquenda.'

urbani consulatus] What he did in the city during his consulship. He then mentions the plundering of the money in the temple of Ops, and other things which he has already charged against Antonius (Phil. ii.).

Mutinam, coloniam] Phil. v. c. 9.

6. *exploratam . . . pacem*] a sure peace. Halm writes 'M. Antonium.'

Est enim patronus] See Phil. vi. c. 5. —'sua lege:' Ferrarius refers to Suetonius (Caesar, c. 41): "Comitia cum populo partitus est (Caesar), ut exceptis consulatus competitoribus de caetero numero candidatorum pro parte dimidia quos populus vellet pronuntiarentur, pro parte altera quos ipse edidisset." Suetonius also says (Caesar, c. 76): "Eadem licentia spreto patriae more magistratus in plures annos ordinavit." L. Antonius entered on the office of Tribunus plebis on the 10th of December, B.C. 45, and he proposed the Lex which empowered Caesar before he went on his Parthian expedition to name the magistrates for some years to come (Dion Cassius 43, c. 45, and c. 51).

As to the other allusions in this passage, see Phil. vi. c. 5.—'magistratus partitus est:' V has 'magistratum partitus est.' Halm, however, suggests that the word 'magistratum' is a corruption of 'magistratuum,' and that some accusative such as 'comitia' or 'nominationem' has dropped out.

hujus potentiam poterit sustinere? praesertim quum eosdem in agros etiam deduxerit. Quis umquam omnes tribus, quis equites Romanos, quis tribunos militares? Gracchorum potentiam majorem fuisse arbitramini quam hujus gladiatoris futura sit? quem gladiatorem non ita appellavi, ut interdum etiam M. Antonius gladiator appellari solet, sed ut appellant ii qui plane et Latine loquuntur. Mirmillo in Asia depugnavit. Quum ornasset thraecidicis comitem et familiarem suum, illum miserum fugientem jugulavit; luculentam tamen ipse plagam accepit, ut declarat cicatrix. Qui familiarem jugularit, quid hic occasione data faciet inimico? et qui illud animi caussa fecerit, hunc praedae caussa quid facturum putatis? Non rursus improbos decuriabit, non sollicitabit rursus agrarios, non queretur expulsos? M. vero Antonius non is erit ad quem omni motu concursus fiat civium perditorum? Ut nemo sit alius nisi ii qui una sunt, et ii qui hic ei nunc aperte favent, parumne erunt multi? praesertim quum bonorum praesidia discesserint, illi parati sint ad nutum futuri? Ego vero metuo, si hoc tempore consilio lapsi erimus, ne illi brevi tempore nimis multi nobis esse videantur. Nec ego pacem nolo, sed pacis nomine bellum obvolutum reformido. Quare si pace frui volumus, bellum gerendum est. Si bellum omittemus, pace numquam fruemur. VII. Est autem vestri consilii, patres conscripti, in posterum quam longissime providere. Idcirco in hac custodia et tamquam [in] specula collocati sumus, ut vacuum metu populum Romanum nostra vigilia et prospicientia redderemus. Turpe est summo consilio orbis terrae, praesertim in re tam perspicua, consilium intelligi defuisse. Eos consules habemus, eam populi Romani alacritatem, eum consensum Italiae, eos duces, eos exercitus, ut nullam calamitatem res publica accipere possit sine culpa senatus. Equidem non deero: monebo, praedicam, denuntiabo, testabor semper deos hominesque quid sentiam, nec solum fidem meam, quod fortasse videatur satis esse, sed in principe civi non est satis, curam, consilium vigilantiamque praestabo.

eosdem] Those who erected a statue in honour of him (Manutius). 'In agros . . . deduxerit' means to settle men on lands which have been granted.—'Quis umquam omnes tribus:' that is, 'sustinere poterit.'

Latine loquuntur] See Verr. ii. 4, c. 2. Here the word 'plane' helps to explain 'Latine.' Sometimes he says 'Latine' only: "si Latine loqui volumus" (Pro Caecina, c. 21).—'Mirmillo:' we have had this story often (Phil. iii. c. 12, and elsewhere).—'thraecidicis:' with the Thracian arms of a gladiator. A Mirmillo was matched with a Thrax.

animi caussa] 'for his amusement.' See Index, Vol. ii.; and Phil. xiii. c. 12.—'agrarios:' those who wanted lands. —'queretur:' 'queret' a, 'quaeret' b² g.

7. *specula*] See the Index, Vol. ii. He says 'prospicientia,' as a 'specula' is a place 'unde prospici potest.' There is here a reading 'providentia.'

VIII. Dixi de periculo: docebo ne coagmentari quidem posse pacem; de tribus enim quae proposui hoc extremum est. Quae potest pax esse M. Antonio primum cum senatu? Quo ore vos ille poterit, quibus vicissim vos illum oculis intueri? Quis vestrum illum, quem ille vestrum non oderit? Age, vos ille solum et vos illum? Quid, ii qui Mutinam circumsedent, qui in Gallia delectus habent, qui in vestras fortunas imminent, amici umquam vobis erunt aut vos illis? An equites Romanos amplectetur? occulta enim fuit eorum voluntas judiciumque de M. Antonio. Qui frequentissimi in gradibus Concordiae steterunt, qui nos ad libertatem recuperandam excitaverunt, arma, saga, bellum flagitaverunt, me una cum populo Romano in contionem vocaverunt, hi Antonium diligent, cum his pacem servabit Antonius? Nam quid ego de universo populo Romano dicam? qui pleno ac referto foro bis me una mente atque voce in contionem vocavit declaravitque maximam libertatis recuperandae cupiditatem. Ita quod erat optabile antea, ut populum Romanum comitem haberemus, nunc habemus ducem. Quae est igitur spes, qui Mutinam circumsedent, imperatorem populi Romani exercitumque oppugnant, iis pacem cum populo Romano esse posse? An cum municipiis pax erit, quorum tanta studia cognoscuntur in decretis faciendis, militibus dandis, pecuniis pollicendis ut in singulis oppidis curiam populi Romani non desideretis? Laudandi sunt ex hujus ordinis sententia Firmani, qui principes pecuniae pollicendae fuerunt: respondendum honorifice est Marrucinis, qui ignominia notandos censuerunt eos, si qui militiam subterfugissent. Haec jam tota Italia fient. Magna pax Antonio cum iis, his item cum illo. Quae potest major esse discordia? in discordia autem pax civilis esse nullo pacto potest. Ut omittam multitudinem, L. Visidio equiti Romano, homini in primis ornato atque honesto, civique semper egregio, cujus ego excubias et custodias mei capitis cognovi in consulatu meo, qui vicinos suos non cohortatus est solum ut milites fierent, sed etiam facultatibus suis sublevavit, huic, inquam, tali viro, quem nos senatusconsulto collaudare debemus, poteritne esse pacatus Antonius? Quid, C. Caesari, qui

8. *coagmentari*] 'coamentari' V. Muretus thought that 'coamentari' is the genuine word, "cum *amenta* dicantur ea quibus ad ligandum utimur, et *coamentare* nihil sit aliud quam colligare."

qui in Gallia] The partizans of Antonius, for the levy of the senate was raised only in Italia, which term did not yet include Gallia Cisalpina.

Firmani] Firmum, now Fermo, in Picenum, and a Roman Colonia.—'Marrucinis:' a people of central Italy, whose country extended from the Hadriatic to the high Apennines. Their chief town was Teate, now Chieti.

collaudare debemus] 'conlaudare deuemus' V. There is a reading 'conlaudaremus.'—'leniet provinciae Galliae;' he

illum urbe; quid, D. Bruto, qui Gallia prohibuit? Jam vero ipse se placabit et leniet provinciae Galliae, a qua exclusus et repudiatus est. Omnia videbitis, patres conscripti, nisi prospicitis, plena odiorum, plena discordiarum, ex quibus oriuntur bella civilia. Nolite igitur id velle quod fieri non potest, et cavete, per deos immortales, patres conscripti, ne spe praesentis pacis perpetuam pacem amittatis.

IX. Quorsum haec omnis spectat oratio? quid enim legati egerint nondum scimus. At vero excitati, erecti, parati, armati animis jam esse debemus, ne blanda aut supplici oratione aut aequitatis simulatione fallamur. Omnia fecerit oportet, quae interdicta et denuntiata sunt, prius quam aliquid postulet: Brutum exercitumque ejus oppugnare, urbes et agros provinciae Galliae populari destiterit; ad Brutum adeundi legatis potestatem fecerit, exercitum citra flumen Rubiconem eduxerit, nec propius urbem millia passuum ducenta admoverit; fuerit et in senatus et in populi Romani potestate. Haec si fecerit, erit integra potestas nobis deliberandi. Si senatui non paruerit, non illi senatus, sed ille populo Romano bellum indixerit. Sed vos moneo, patres conscripti; libertas agitur populi Romani, quae est commendata vobis; vita et fortunae optimi cujusque, quo cupiditatem infinitam cum immani crudelitate jampridem intendit Antonius; auctoritas vestra, quam nullam habebitis, nisi nunc tenueritis; taetram et pestiferam belluam ne inclusam et constrictam dimittatis cavete. Te ipsum, Pansa, moneo,—quamquam non eges consilio, quo vales plurimum, tamen etiam summi gubernatores in magnis tempestatibus a vectoribus admoneri solent:—hunc tantum tuum apparatum tamque praeclarum ne ad nihilum recidere patiare. Tempus habes tale quale nemo habuit umquam. Hac gravitate senatus, hoc studio equestris ordinis, hoc ardore populi Romani potes in perpetuum rem publicam metu et periculo liberare. Quibus de rebus refers, P. Servilio assentior.

seems to mean 'se placabit et se leniet,' 'he will pacify himself and make himself gentle to the Provincia Gallia.' But I can find no other instances of this use of 'lenire.' It is usual to place ? after 'repudiatus est.' But the form of the sentence is not interrogative. This is said sarcastically.

9. *Rubiconem . . . ducenta*] See Phil. vi. c. 3.

vectoribus] The passengers.

Quibus de rebus] "Mirum videri poterat Ciceronem tota hac oratione nihil dixisse de iis quae ad senatum relata erant: cum haec postrema verba in aliis libris magno librariorum flagitio nulla essent" (Muretus).

INTRODUCTION TO THE EIGHTH PHILIPPIC.

THIS oration was delivered after L. Piso and L. Philippus, two of the commissioners sent by the senate to Antonius, had returned and made their report. The third commissioner, Ser. Sulpicius, died during the mission. The speech was delivered before the 15th of March, B.C. 43; and some time before that day, as we may conclude from the last chapter; in which Cicero proposes that the soldiers who should leave M. Antonius before the Ides of March should not have to answer for having been with him (c. 11).

ORATIONUM PHILIPPICARUM

LIBER OCTAVUS.

I. Confusius hesterno die est acta res, C. Pansa, quam postulabat institutum consulatus tui. Parum mihi visus es eos quibus cedere non soles sustinere. Nam quum senatus ea virtus fuisset quae solet, et quum re viderent omnes esse bellum, quidamque id verbum removendum arbitrarentur, tua voluntas in discessione fuit ad lenitatem propensior. Victa est igitur propter verbi asperitatem te auctore nostra senentia. Vicit L. Caesaris, amplissimi viri, qui verbi atrocitate dempta oratione fuit quam sententia lenior. Quamquam is quidem ante quam sententiam diceret propinquitatem excusavit. Idem fecerat me consule in sororis viro, quod hoc tempore in sororis filio fecit, ut et luctu sororis moveretur et saluti populi Romani provideret. Atque ipse tamen Caesar praecepit vobis quodammodo, patres conscripti, ne sibi assentiremini, quum ita dixit, aliam sententiam se dicturum fuisse, eamque se ac re publica dignam, nisi propinquitate impediretur. Ergo ille avunculus. Num etiam vos avunculi, qui illi estis assensi?

At in quo fuit controversia? Belli nomen ponendum in sententia quidem non putabant: tumultum appellare malebant ignari non modo rerum, sed etiam verborum: potest enim esse bellum

1. *Confusius*] Perhaps he means with less care or consideration.—'sustinere:' to resist. He gave way to those whose opinion differed from his own.—'verbum removendum:' some of the senators thought that the word 'war' should be withdrawn. —'discessione:' see Phil. iii. c. 9.

L. Caesaris . . . propinquitatem] He was Antonius' uncle, his mother's brother. —'in sororis viro:' this is Lentulus, the conspirator B.C. 63. See In Cat. iv. 6, and the note. 'Idem fecerat . . . ut . . . moveretur . . . provideret' is unlike any English form of expression. The meaning is certain. The way in which it should be translated is a thing on which readers may try their hand till they find out the best form.

bellum sine tumultu] 'bellum ut tumultus non sit' Halm, from Isidorus Origg. xviii. 1. 7, who quotes 'potest enim . . . ductum est tumultus.' V[1] has 'ut tumultus

sine tumultu; tumultus esse sine bello non potest. Quid est enim aliud tumultus nisi perturbatio tanta ut major timor oriatur? unde etiam nomen ductum est tumultus. Itaque majores nostri tumultum Italicum, quod erat domesticus, tumultum Gallicum, quod erat Italiae finitimus, praeterea nullum nominabant. Gravius autem tumultum esse quam bellum, hinc intelligi potest, quod bello vacationes valent, tumultu non valent. Ita fit, quemadmodum dixi, ut bellum sine tumultu possit, tumultus sine bello esse non possit. Etenim quum inter bellum et pacem medium nihil sit, necesse est tumultum, si belli non sit, pacis esse; quo quid absurdius dici aut existimari potest? Sed nimis multa de verbo: rem potius videamus, patres conscripti, quam quidem intelligo verbo fieri interdum deteriorem solere. II. Nolumus hoc bellum videri. Quam igitur municipiis et coloniis ad excludendum Antonium auctoritatem damus? quam ut milites fiant sine vi, sine mulcta, studio et voluntate? quam ut pecunias in rem publicam polliceantur? Si enim belli nomen tolletur, municipiorum studia tollentur; consensus populi Romani, qui jam descendit in caussam, si nos languescimus, debilitetur necesse est. Sed quid plura? D. Brutus oppugnatur: non est bellum? Mutina obsidetur: ne hoc quidem bellum est? Gallia vastatur: quae pax potest esse certior? Illud vero quis potest bellum esse dicere? Consulem, fortissimum virum, cum exercitu misimus, qui quum esset infirmus ex gravi diuturnoque morbo, nullam sibi putavit excusationem esse oportere, quum ad rei publicae praesidium vocaretur. C. quidem Caesar non exspectavit vestra decreta, praesertim quum illud esset aetatis: bellum contra Antonium sua sponte suscepit; de-

esse.' D has 'sine tumultu, tumultus esse.' It may be said that the reading 'ut tumultus non sit' is not probably the work of an interpolator. It is impossible to say what is the genuine text, but 'sine tumultu' is simple and well opposed to 'sine bello.' What he says after seems to confirm the reading 'sine tumultu,' for he says 'quemadmodum dixi, ut bellum sine tumultu possit,' &c.

Quid est enim . . . tumultus] "Quid enim est aliud . . . tumultus" (Quintil. vii. 3, 25), quoted as an instance of Etymologia. Dusa thought that we ought to read here 'major tumor.' J. G. Vossius remarks that Cicero (Ad Att. xiv. 4) uses the expression 'tument negotia,' where he is speaking of the state of affairs after Caesar's assassination, and in xv. 5 he says 'hunc rerum tumorem.' But this is no reason for the change, though it is plain that 'tumultus' contains the root of 'tumere.' This passage is the authority for the meaning of the term 'tumultus.'

quod bello] 'quod in bello' Isidorus. V adds 'Italico' and D adds 'Gallico;' but either word is inappropriate.

2. *Nolumus*] 'nolimus' V, which Graevius explains 'sit ita nos nolle bellum vocare.'—'sine mulcta:' D has 'sine tumultu.' But 'sine mulcta,' 'without fine.' is the meaning: "cogebantur enim ire ad militiam vel per vim, vel quia, si minuirent, multabantur. Id accidet, inquit Cicero, si bellum non videbitur; sin videbitur, ibunt in militiam studio et voluntate, non vi et multa coacti" (Manutius).

illud esset aetatis] 'so young.' It may mean old too, if the context requires that sense, as in Verr. ii. 2, c. 37, and the note.

cernendi enim tempus nondum erat; belli autem gerendi tempus si praetermisisset, videbat re publica oppressa nihil posse decerni. Ergo illi nunc et eorum exercitus in pace versantur. Non est hostis is cujus praesidium Claterna dejecit Hirtius: non est hostis qui consuli armatus obsistit, designatum consulem oppugnat: nec illa hostilia verba nec bellica, quae paullo ante ex collegae litteris Pansa recitavit: 'Dejeci praesidium: Claterna potitus sum: fugati equites: praelium commissum: occisi aliquot.'—Quae pax potest esse major? Delectus tota Italia decreti, sublatis vacationibus: saga cras sumentur: consul se cum praesidio descensurum esse dixit.

Utrum hoc bellum non est? Etiam tantum bellum quantum numquam fuit. Ceteris enim bellis maximeque civilibus contentionem rei publicae caussa faciebat. Sulla cum Sulpicio de jure legum, quas per vim latas Sulla dicebat: Cinna cum Octavio de novorum civium suffragiis: rursus cum Mario et Carbone Sulla, ne dominarentur indigni et ut clarissimorum hominum crudelissimam puniretur necem. Horum omnium bellorum caussae ex rei publicae contentione natae sunt. De proximo bello civili non libet dicere: ignoro caussam: detestor exitum. III. Hoc bellum quintum civile geritur:—atque omnia in nostram aetatem inciderunt—

Claterna] Now Quaderna, on the Via Aemilia, between Bononia and Forum Cornelium. Cicero says in a letter to Cassius (Ad Div. xii. 5): "Erat autem Claternae noster Hirtius; ad Forum Cornelium Caesar, uterque cum firmo exercitu; magnasque Romae Pansa copias ex delectu Italiae comparat." Antonius at this time held Bononia.

descensurum] Into the forum (Manutius).

Sulpicio] P. Sulpicius Rufus, the tribune, and a great orator (In Cat. iii. c. 10, and the note). As to the expression 'jus legum' see Vol. iii. Index.—'de novorum civium:' see In Cat. iii. 10, and the note; and Plutarch, Marius, c. 41. A passage in Velleius (ii. 20) explains the text: "Non erat Mario Sulpicioque Cinna temperatior, itaque quum ita civitas Italiae data esset (by the Lex Julia, B.C. 90) ut in octo tribus contribuerentur novi cives, ne potentia eorum et multitudo veterum civium dignitatem frangeret plusque possent recepti in beneficium quam auctores beneficii, Cinna in omnibus tribubus eos se distributurum pollicitus est. Quo nomine ingentem totius Italiae frequentiam in urbem acciverat; e qua pulsus collegae optimatiumque viribus," &c. This was in B.C. 87. Appian (B. C. i. 49) says of the new tribes: *δεκατεύοντες ἀπέφηναν ἑτέρας ἐν αἷς ἐχειροτόνουν ἔσχατοι*, which is translated (ed. Schweig.) 'in decem novas tribus contributi sunt,' but I don't see how *δεκατεύοντες* can have this meaning. Musgrave proposed to read *δέκα* for *δεκατεύοντες*.

Mario et Carbone Sulla] After the death of the elder Marius there was a struggle between his son C. Marius, consul B.C. 82, with Carbo for his colleague, and L. Sulla, who was victorious. The Marian faction had put to death many illustrious men, among whom were M. Antonius the Orator and Q. Mucius Scaevola the Pontifex Maximus.

puniretur] Cicero uses 'punitus es' in the oration Pro Milone, as Manutius observes.

proximo] The war of Cn. Pompeius and Caesar. Cicero was in Cilicia while the quarrel was growing.

3. *atque omnia . . . inciderunt*] He had seen them all, a long and sad experience. But the end was drawing near, an end which Cicero did not foresee. The boy Caesar concluded the long drama by the establishment of a monarchy in fact, though not in name.

primum non modo non in dissensione et discordia civium, sed in maxima consensione incredibilique concordia. Omnes idem volunt, idem defendunt, idem sentiunt. Quum omnes dico, eos excipio quos nemo civitate dignos putat. Quae est igitur in medio belli caussa posita? Nos deorum immortalium templa, nos muros, nos domicilia sedesque populi Romani, aras, focos, sepulcra majorum: nos leges, judicia, libertatem, conjuges, liberos, patriam defendimus: contra M. Antonius id molitur, id pugnat, ut haec omnia perturbet, evertat, praedam rei publicae caussam belli putet, fortunas nostras partim dissipet, partim dispertiat parricidis.

In hac tam dispari ratione belli miserrimum illud est, quod ille latronibus suis pollicetur, primum domos, urbem enim divisurum se confirmat; deinde omnibus portis quo velint deducturum. Omnes Cafones, omnes Saxae ceteraeque pestes, quae sequuntur Antonium, aedes sibi optimas, hortos, Tusculana, Albana definiunt. Atque etiam homines agrestes, si homines illi ac non pecudes potius, inani spe ad aquas usque et Puteolos provehuntur. Ergo habet Antonius quod suis polliceatur. Quid nos, numquid tale habemus? Dii meliora! id enim ipsum agimus ne quis posthac quidquam ejusmodi possit polliceri. Invitus dico, sed dicendum est. Hasta Caesaris, patres conscripti, multis improbis et spem affert et audaciam. Viderunt enim ex mendicis fieri repente divites; itaque semper hastam videre cupiunt ii qui nostris bonis imminent, quibus omnia pollicetur Antonius. Quid nos, nostris exercitibus quid pollicemur? Multo meliora atque majora. Scelerum enim promissio et iis qui exspectant perniciosa est, et iis qui promittunt. Nos libertatem nostris militibus, leges, jura, judicia, imperium orbis terrae, dignitatem, pacem, otium pollicemur. Antonii igitur promissa cruenta, taetra, scelerata, diis hominibusque invisa, nec diuturna nec salutaria; nostra contra honesta, integra, gloriosa, plena laetitiae, plena pietatis.

IV. Hic mihi etiam Q. Fufius, vir fortis ac strenuus, amicus

deducturum] lead them to settlements of land.—'Saxae:' L. Decidius Saxa, whom Cicero mentions several times. See Phil. xi. c. 5. He had served with Caesar at Ilerda in Spain (B. C. i. c. 66). Velleius (ii. 78) alludes to Saxa being afterwards killed in the war against the Parthians.

ad aquas] At Baiae. These coarse fellows were greedy after the fine houses at Baiae and Puteoli.—'Dii meliora:' there is a reading 'det,' but 'Dii meliora' is a common form, as in the De Sen. c. 14, and Phil. x. c. 2. The complete expression 'Di meliora ferant' is used by Tibullus, as Ferrarius remarks.

Hasta Caesaris] Caesar's public auctions of confiscated property. This was the time when beggars became rich men, which is one of the ordinary results of revolution.

4. *Q. Fufius*] Calenus. See Phil. v. c. 1, and the note. On a former occasion Cicero speaks of Calenus as 'tribunus pl. levissimus' (Ad Att. i. 14); and again

meus, pacis commoda commemorat. Quasi vero, si laudanda pax esset, ego id aeque commode facere non possem. Semel enim pacem defendi? non semper otio studui? quod quum omnibus bonis utile esset, tum praecipue mihi. Quem enim cursum industria mea tenere potuisset sine forensibus caussis, sine legibus, sine judiciis? quae esse non possunt civili pace sublata. Sed quaeso, Calene, quid tu, servitutem pacem vocas? Majores quidem nostri non modo ut liberi essent, sed etiam ut imperarent arma capiebant; tu arma abjicienda censes ut serviamus? Quae caussa justior est belli gerendi quam servitutis depulsio? in qua etiamsi non sit molestus dominus, tamen est miserrimum posse si velit. Immo aliae caussae justae, haec necessaria est. Nisi forte ad te hoc non putas pertinere, quod te socium fore speras dominationis Antonii. In quo bis laberis; primum, quod tuas rationes communibus anteponis; deinde, quod quidquam stabile aut jucundum in regno putas. Non, si tibi antea profuit, semper proderit. Quin etiam de illo homine queri solebas: quid te facturum de bellua putas? Atque ais eum te esse qui semper pacem optaris, semper omnes cives volueris salvos. Honesta oratio, sed ita si bonos et utiles et e re publica cives; sin eos, qui natura cives sunt, voluntate hostes, salvos velis, quid tandem interest inter te et illos? Pater tuus quidem, quo utebar sene auctore adolescens, homo severus et prudens, primas omnium civium P. Nasicae, qui Ti. Gracchum interfecit, dare solebat: ejus virtute, consilio, magnitudine animi liberatam rem publicam arbitrabatur. Quid nos a patribus, num aliter accepimus? Ergo is tibi civis, si temporibus illis fuisses, non probaretur, quia non omnes salvos esse voluisset.—Quod L. Opimius consul verba fecit de re publica, de ea re ita censuerunt, uti L. Opimius consul rem publicam defenderet.—Senatus haec verbis, Opimius armis. Num igitur eum, si tum esses, temerarium civem aut crudelem putares? aut Q. Metellum, cujus quattuor filii consulares? P. Lentulum, principem senatus, complures alios summos viros, qui cum L. Opimio consule

when Fufius was with Caesar in the Civil War, he says of him 'mihi inimicissimus.' —'utile esset:' V. 'utile est' D.

si tibi antea] During Caesar's usurpation.—'de illo homine:' Caesar.

Honesta oratio] A usual expression; as in Terence (And. i. 1, v. 114): "Honesta oratio est." There is a false reading 'ratio.' The two words are often confounded.

sene auctore] V, Halm. D omits 'auctore.'—'P. Nasicae:' who killed Ti. Gracchus, as he says here. Nasica is one of Cicero's stock characters. In Cat. i. c. 1, and the note, Vol. iii.; Pro Plancio, c. 21.

L. Opimio] He was the man who killed C. Gracchus, and he is one of Cicero's worthies (In Cat. i. c. 2, and the note). In this uproar M. Fulvius Flaccus also lost his life. As to his two sons, see In Cat. i. c. 2, and the note; and In Cat. iv. c. 6, and the note.

armati Gracchum in Aventinum persecuti sunt? quo in praelio Lentulus grave vulnus accepit, interfectus est Gracchus, et M. Fulvius consularis ejusque duo adolescentuli filii. Illi igitur viri vituperandi, non enim cives omnes salvos esse voluerunt. V. Ad propiora veniamus. C. Mario L. Valerio consulibus senatus rem publicam defendendam dedit: L. Saturninus tribunus plebis, C. Glaucia praetor est interfectus. Omnes illo die Scauri, Metelli, Claudii, Catuli, Scaevolae, Crassi arma sumpserunt. Num aut consules illos aut clarissimos viros vituperandos putas? Ego Catilinam perire volui. Num tu, qui omnes salvos vis, Catilinam salvum esse voluisti? Hoc interest, Calene, inter meam sententiam et tuam: ego nolo quemquam civem committere ut morte mulctandus sit; tu, etiamsi commiserit, conservandum putas. In corpore si quid ejusmodi est quod reliquo corpori noceat, id uri secarique patimur, ut membrorum aliquod potius quam totum corpus intereat: sic in rei publicae corpore, ut totum salvum sit quidquid est pestiferum amputetur. Dura vox. Multo illa durior: Salvi sint improbi, scelerati, impii: deleantur innocentes, honesti, boni, tota res publica.—Uno in homine, Q. Fufi, fateor te vidisse plus quam me. Ego P. Clodium arbitrabar perniciosum civem, sceleratum, libidinosum, impium, audacem, facinorosum; tu contra sanctum, temperantem, innocentem, modestum, retinendum civem et optandum. In hoc uno te plurimum vidisse, me multum errasse concedo. Nam quod me tecum iracunde agere dixisti solere, non est ita. Vehementer me agere fateor, iracunde nego. Omnino irasci amicis non temere soleo, ne si merentur quidem. Itaque sine verborum contumelia a te dissentire possum, sine animi summo dolore non possum. Parva est enim mihi tecum aut parva de re dissensio? Ego huic faveo, tu illi? Immo vero ego D. Bruto faveo, tu M. Antonio: ego conservari coloniam populi Romani cupio, tu expugnari studes. VI. An hoc negare potes qui omnes moras interponas quibus infirmetur Brutus, melior fiat Antonius? Quousque enim dices pacem velle te? Res geritur, conductae lineae sunt, pugnatur

5. *C. Mario*] This story is told in the Introduction to the oration Pro C. Rabirio, Vol. ii.

Uno in homine . . . vidisse plus] He is speaking ironically. Calenus was one of the partizans of P. Clodius.—'facinorosum:' 'facinerosum' V, Halm, who says "*facinerosum* codd. antiqui constanter habent."

Ego huic faveo, tu illi?] 'Ego huic vel illi (velliti, t) videlicet' is the reading of b g t. Halm says "*huic videlicet* edd., quamquam nullus cod. sic habet et glossae origo ex lectione in b g t satis intelligitur." In some recent editions we find 'Ego huic vel illi videlicet faveo, tu illi.'

6. *melior fiat*] 'Melior' is explained by its opposite 'infirmetur.' Muretus says it is a Greek way of speaking, like Horace's 'Tydides melior patre,' and 'Cervus equum pugna melior' (Epp. i. 10, v. 34).

lineae] "V D i *lineae* (sed V liniae) *vineae* edd. (jam Ven. a. 1474). De lectione

acerrime. Qui intercurrerent misimus tres principes civitatis. Hos contempsit, rejecit, repudiavit Antonius: tu tamen permanes constantissimus defensor Antonii. Et quidem quo melior senator videatur, negat se illi amicum esse debere; quum suo magno esset beneficio, venisse eum contra se. Vide quanta caritas sit patriae. Quum homini sit iratus, tamen rei publicae caussa defendit Antonium.

Ego te, quum in Massilienses tam es acerbus, Fufi, non animo aequo audio. Quousque enim Massiliam oppugnabis? Ne triumphus quidem finem facit belli? per quem lata est urbs ea, sine qua numquam ex Transalpinis gentibus majores nostri triumphaverunt. Quo quidem tempore populus Romanus ingemuit. Quamquam proprios dolores suarum rerum omnes habebant, tamen hujus civitatis fidelissimae miserias nemo erat civis qui a se alienas arbitraretur. Caesar ipse, qui illis fuerat iratissimus, tamen propter singularem ejus civitatis gravitatem et fidem quotidie aliquid iracundiae remittebat: te nulla sua calamitate civitas satiare tam fidelis potest? Rursus jam me irasci fortasse dices. Ego autem sine iracundia dico [ut] omnia, nec tamen sine dolore animi, neminem illi civitati inimicum esse arbitror, qui amicus huic sit civitati. Excogitare quae tua ratio sit, Calene, non possum. Antea deterrere te ne popularis esses non poteramus: exorare nunc ut sis popularis non possumus. Satis multa cum Fufio, ac sine odio omnia, nihil

quam sex mei habent, apud editores altum est silentium; nec tamen magis compertum habemus quid valeat nova lectio quam quae insit sententia in interpolata lectione vulgata" (Halm). I cannot guess what 'conductae lineae' can mean. If 'vineae' is the true word, it is the coverings under which besiegers made their approaches to the wall of the besieged town; but the Roman expression is 'agere vineas,' Caesar, B. G. ii. c. 34; Sallust, B. J. c. 76.

tres principes] L. Philippus, Ser. Sulpicius, and L. Piso. Piso must have improved a good deal since Cicero abused him (In Pison.).

quum suo magno esset] 'Esset' is the reading of V. He means, as Faernus and others have explained it, 'though Antonius was under great obligations to Calenus.' The commentators compare Cicero Ad Div. vii. 30: "Acilius, qui in Graeciam cum legionibus missus est, maximo meo beneficio est." Manutius says that he has not observed this expression anywhere else.—'venisse eum contra se:' see Phil. ii. c. 2, and the note.

Massilienses] Massilia had suffered for its resistance to Caesar in the Civil War. It seems there had been something said about restoring to the Massilienses what they had lost: "Massiliensibus jure belli adempta reddituros vos pollicemini" (Phil. xiii. c. 15).—'lata est urbs ea:' the 'simulacra' of captured cities were displayed in a Roman triumph. Manutius refers to a passage in the De Officiis (ii. c. 8): "Itaque vexatis et perditis exteris nationibus ad exemplum amissi imperii portari in triumpho Massiliam vidimus et ex ea urbe triumphari, sine qua numquam nostri imperatores ex transalpinis bellis triumpharunt." Massilia was an old ally of Rome, and gave the Romans the first invitation to meddle with affairs in Gallia Transalpina (Pro M. Fonteio, c. 5, and the note). It is not true what Cicero says, "sine qua numquam . . . triumphaverunt." But there is no end to his historical mis-statements.

gravitatem et fidem] Massilia retained this character for some time (Tacitus, Agricola, c. 4).

sine dolore. Credo autem qui generi querelam moderate ferat, aequo animo laturum amici.

VII. Venio nunc ad reliquos consulares, quorum est nemo, jure hoc meo dico, quin mecum habeat aliquam conjunctionem gratiae; alii maximam, alii mediocrem, nemo nullam. Quam hesternus dies nobis, consularibus dico, turpis illuxit! Iterum legatos? Quid, si ille faceret inducias? Ante os oculosque legatorum tormentis Mutinam verberavit; opus ostendebat munitionemque legatis; ne punctum quidem temporis quum legati adessent oppugnatio respiravit. Ad hunc legatos? Cur? an ut eorum reditu vehementius pertimescatis? Equidem quum antea legatos decerni non censuissem, hoc me tamen consolabar, quod—quum illi ab Antonio contempti et rejecti revertissent renunciavissentque senatui non modo illum e Gallia non discessisse, uti censuissemus, sed ne a Mutina quidem recessisse, potestatem sibi D. Bruti conveniendi non fuisse—fore ut omnes inflammati odio, excitati dolore, armis, equis, viris D. Bruto subveniremus. Nos etiam languidiores postea facti sumus quam M. Antonii non solum audaciam et scelus sed etiam insolentiam superbiamque perspeximus. Utinam L. Caesar valeret, Servius Sulpicius viveret: multo melius haec caussa ageretur a tribus quam nunc agitur ab uno. Dolenter hoc dicam potius quam contumeliose: deserti, deserti, inquam, sumus, patres conscripti, a principibus. Sed, saepe jam dixi, omnes in tanto periculo qui recte et fortiter sentient erunt consulares. Animum nobis afferre legati debuerunt: timorem attulerunt; quamquam mihi quidem nullum, quamvis de illo ad quem missi sunt bene existiment. a quo etiam mandata acceperunt. VIII. Pro dii immortales! ubi est ille mos virtusque majorum? C. Popilius apud majores nostros

generi querelam] See Phil. v. c. 1.

7. *tormentis*] With his engines for discharging stones and other things. As he is speaking of the siege here, it is probable that the words 'conductae lineae' (c. 6), whatever may be the true reading, relate also to the attack on the town.

renunciavissent] V. 'dixissent' a b g.

fore ut] D. 'fore tu' V, which seems to be intended for 'fore ut.' Halm writes 'foret ut,' which is perhaps not Latin. Lambinus proposed to erase the 'quod' after 'consolabar.'—'*fore putabam ut* Aldus Senior' Halm. But there is no authority for this. It is possible that the text is right. Cicero has not continued the form of expression which 'quod' would require. Halm's alteration is a very bad one.

armis, equis, viris] 'viris' V, 'viribus' D. But 'viribus' is a corruption. 'Armis, equis, viris' occurs in Livy; and 'viris equisque' or 'equis viris' was a kind of proverbial saying: "cum his viris equisque, ut dicitur, si honestatem tueri et retinere sententia est, decertandum est" (Cicero, De Off. iii. c. 33).

8. *C. Popilius*] This C. Popilius was twice consul. The story about Popilius' mission to Antiochus, who was then before Alexandria, B.C. 169 or 168, is told by Livy 45, c. 12, and by Polybius (xxix. 11, ed. Bekker). 'Se renuntiaturum' is the reading of V, 'Se non ante' &c. D. It has been proposed to erase 'senatui,' in which case it must be rendered 'he would report the king.' Faernus says that 'renuntiaturum' means 'nimirum Antiochum nolle senatus imperata facere.' The context

quum ad Antiochum regem legatus missus esset, et verbis senatus nuntiasset ut ab Alexandria discederet quam obsidebat, quum tempus ille differret, virgula stantem circumscripsit dixitque se renuntiaturum senatui, nisi prius sibi respondisset quid facturus esset quam ex illa circumscriptione exisset. Praeclare: senatus enim faciem secum attulerat auctoritatemque populi Romani, cui qui non paret, non ab eo mandata accipienda sunt, sed ipse est potius repudiandus. An ego ab eo mandata acciperem qui senatus mandata contemneret? aut ei cum senatu quidquam commune judicarem, qui imperatorem populi Romani senatu prohibente obsideret? At quae mandata! qua arrogantia! quo stupore! quo spiritu! Cur autem ea legatis nostris dabat, quum ad nos Cotylam mitteret, ornamentum atque arcem amicorum suorum, hominem aedilicium? si vero tum fuit aedilis, quum eum jussu Antonii in convivio servi publici loris ceciderunt. At quam modesta mandata! ferrei sumus, patres conscripti, qui quidquam huic negemus. 'Utramque provinciam,' inquit, 'remitto: exercitum depono: privatus esse non recuso;' haec sunt enim verba. Redire ad se videtur. 'Omnia obliviscor, in gratiam redeo.' Sed quid adjungit? 'si legionibus meis sex, si equitibus, si cohorti praetoriae praedam agrumque dederitis.' His etiam praemia postulat, quibus ut ignoscatur si postulet, impudentissimus judicetur. Addit praeterea, ut, 'quos ipse cum Dolabella dederit agros, teneant ii quibus dati sint.' Hic est Campanus ager et Leontinus, quae duo majores nostri annonae perfugia ducebant. IX. Cavet mimis, aleatoribus, lenonibus: Cafoni etiam et Saxae cavet, quos centuriones pugnaces et lacertosos inter mimorum et mimarum greges collocavit. Postulat praeterea, 'ut chirographorum sua et commentariorum collegaeque sui decreta maneant.' Quid laborat ut habeat quod quisque mercatus est, si quod accepit habet qui vendidit? 'Et ne tangantur rationes ad

shows the meaning: 'that he would report to the senate, if Antiochus did not tell him what he intended to do before going out of the circle.' If the king had gone out of the circle before giving an answer, Popilius could only have reported that the king gave no answer, and that would be the same as a refusal. Livy makes Popilius say: "Priusquam hoc circulo excedas, redde responsum quod referam."

quo stupore] '*quo tumore*, Mommsen' (Halm); but it is an old suggestion.

Cotylam] See Phil. v. c. 2; xiii. c. 12.

Utramque provinciam] Ant. Augustinus proposed to omit 'utramque,' because Antonius says (c. 9) "Galliam togatam remitto, Comatam postulo." But Ursini says that the words 'Redire ad se videtur' show that 'utramque' is necessary; and that 'Galliam . . . postulo' is a different proposal.

His etiam] D. 'iis etiam' V, Halm. It is impossible sometimes to determine which is the genuine word. All depends on the emphasis.

Campanus ager et Leontinus] See Phil. ii. c. 39; and De Leg. Agrar. ii. c. 28.

9. *chirographorum*] Mommsen and Halm place 'chirographorum' thus [ ]. But this does not cure the passage. Perhaps something is lost after 'commentariorum.'

Opis:' id est, ne septies millies reciperetur. 'Ne fraudi sit septemviris quod egissent.' Nucula hoc, credo, admonuit: verebatur fortasse ne amitteret tantas clientelas. Caveri etiam vult 'iis qui secum sint, quidquid contra leges commiserint.' Mustelae et Tironi prospicit: de se nihil laborat. Quid enim commisit umquam? num aut pecuniam publicam attigit aut hominem occidit aut secum habuit armatos? Sed quid est quod de iis laboret? Postulat enim, 'ne sua judiciaria lex abrogetur.' Quo impetrato quid est quod metuat? an ne suorum aliquis a Cyda, Lysiade, Curio condemnetur? Neque tamen nos urget mandatis pluribus; remittit aliquantum et relaxat. 'Galliam,' inquit, 'togatam remitto. Comatam postulo.' Otiosus videlicet esse mavult. 'Cum sex legionibus,' inquit, 'iisque suppletis ex D. Bruti exercitu,' non modo ex delectu suo, 'tamdiuque ut obtineat, dum M. Brutus C. Cassius consules prove consulibus provincias obtinebunt.' Hujus comitiis C. frater, ejus est enim [jam] annus, jam repulsam tulit. 'Ipse autem ut quinquennium,' inquit, 'obtineam.' At istud vetat lex Caesaris; et tu acta Caesaris defendis. X. Haec tu mandata, L. Piso, et tu, L. Philippe, principes civitatis, non dico animo ferre, verum auribus accipere potuistis? Sed, ut

ad Opis] The old story of the 'septies millies' taken by M. Antonius from the temple of Ops.—'septemviris:' the seven commissioners for the distribution of lands (Introd. p. 454). Nucula was one of the Septemviri (Phil. xi. c. 6). He was afraid, says Cicero, of losing all the dependants to whom he had given land.

Cyda, Lysiade] See Phil. v. c. 5.—'Otiosus . . . mavult:' he asks for Gallia Comata or Transalpina. 'To be sure he prefers being quiet, having nothing to do.' Cicero is speaking ironically. He is asking for a province which contains a warlike population, of which he says (Phil. vii. 1) "ex qua non legiones solum, sed etiam nationes ad urbem conetur adducere."

Hujus comitiis . . . tulit] D has 'enim annus jam,' and V 'enim jam annus ut.' Halm omits 'jam,' and it perhaps ought to be omitted. "De sententia loci cf. Ferratii epist. vi. 8, 6, p. 423, ed. 1738, et Wexium ad Tac. Agric. p. 203 not." (Halm). Attempts have been made to correct this passage; and also to explain it as it stands. Caius Antonius was praetor in B.C. 44, in which year his elder brother Marcus was consul and his younger brother Lucius was Tr. pl. The Consules designati for B.C. 42 were D. Brutus and L. Plancus. As there must be an interval of two years between the praetorship and the consulship, Caius could not be a candidate for the consulship before B.C. 42, nor hold the office before B.C. 41. Nor could M. Brutus and Cassius hold the consulship before B.C. 41. As Antonius speaks of Brutus and Cassius as 'consules,' we must assume that he means 'consules' in B.C. 41, and so his brother would be excluded. This was already a 'repulsa,' or rejection. This is the way in which Manutius explains the passage. He explains 'Hujus comitiis' to mean, not the 'comitia' which M. Antonius will hold, but those of which he speaks, the 'comitia' in which M. Brutus and Cassius will be elected.

quinquennium . . . lex Caesaris] See Phil. i. c. 8; v. c. 3.

10. *Haec tu mandata*] Cicero says in a letter to Cassius (Ad Div. xii. 4): "Nihil autem foedius Philippo et Pisone legatis, nihil flagitiosius, qui quum essent missi ut Antonio ex senatus sententia certas res denuntiarent [nuntiarent], quum ille earum rerum nulli paruisset, ultro ab illo ad nos intolerabilia postulata rettulerunt. Itaque ad nos concurritur, factique jam in re salutari populares sumus."

suspicor, terror erat quidam, nec vos ut legati apud illum fuistis, nec ut consulares nec vos vestram nec rei publicae dignitatem tenere potuistis. Et tamen nescio quo pacto sapientia quadam, credo, quod ego non possem, non nimis irati revertistis. Vobis M. Antonius nihil tribuit, clarissimis viris, legatis populi Romani: nos quid non legato M. Antonii Cotylae concessimus? Cui portas hujus urbis patere jus non erat, huic hoc templum patuit; huic aditus in senatum fuit; hic hesterno die sententias nostras in codicillos et omnia verba referebat; huic se etiam summis honoribus usi contra suam dignitatem venditabant. O dii immortales! quam magnum est personam in re publica tueri principis! quae non animis solum debet, sed etiam oculis servire civium. Domum recipere legatum hostium, in cubiculum admittere, etiam seducere hominis est nihil de dignitate, nimium de periculo cogitantis. Quod autem est periculum? Nam si maximum in discrimen venitur, aut libertas parata victori est aut mors proposita victo; quorum alterum optabile est, alterum effugere nemo potest. Turpis autem fuga mortis omni est morte pejor. Nam illud quidem non adducor ut credam, esse quosdam qui invideant alicujus constantiae, qui labori, ejus perpetuam in re publica adjuvanda voluntatem et a senatu et a populo Romano probari moleste ferant. Omnes id quidem facere debebamus, eaque erat non modo apud majores nostros, sed etiam nuper summa laus consularium, vigilare, adesse animo, semper aliquid pro re publica aut cogitare aut facere aut dicere. Ego, patres conscripti, Q. Scaevolam augurem memoria teneo bello Marsico, quum esset summa senectute et perdita valetudine, quotidie simul atque luceret facere omnibus conveniendi potestatem sui; neque eum quisquam illo bello vidit in lecto, senexque et debilis primus veniebat in curiam. Hujus industriam maxime quidem vellem ut imitarentur ii quos oportebat; secundo autem loco, ne alterius labori inviderent. XI. Etenim, patres conscripti, quum in spem

non nimis irati] V b omit 'non.'

seducere] 'to take aside in order to speak to.' D has 'reducere.'—'in discrimen venitur:' for 'venitur' D has 'venietur.'—'alicujus:' a modest way of saying 'himself.'—'labori ejus, qui ejus:' a b g, Halm; but a has 'hujus.'

aut cogitare] V; om. D i. But the MSS. have also 'vigilare, cogitare, adesse.' Faernus remarks that if we accept 'aut cogitare' after 're publica,' we must omit the first 'cogitare.' Halm says "Ut saepe in V factum invenimus, ex proxime sequentibus verbum a scriba praeceptum est, quod deinde in codd. dett. a suo loco detrusum est."

Q. Scaevolam augurem] Cicero frequented the augur's house when he was a youth of the age of sixteen, for the Marsic War began in B.C. 90 (De Am. c. 1; and Brutus, c. 26). After the augur's death he was with the Pontifex Scaevola. In the society of these two men Cicero got the best part of his education. The augur was up early and at work. There are many passages which show that the best Romans were up betimes. I conclude that they went to bed early.

libertatis sexennio post simus ingressi diutiusque servitutem perpessi quam captivi servi frugi et diligentes solent, quas vigilias, quas sollicitudines, quos labores liberandi populi Romani caussa recusare debemus? Equidem, patres conscripti, quamquam hoc honore usi togati solent esse, quum est in sagis civitas, statui tamen a vobis ceterisque civibus in tanta atrocitate temporis tantaque perturbatione rei publicae non differre vestitu. Non enim ita gerimus nos hoc bello consulares ut aequo animo populus Romanus visurus sit nostri honoris insignia, quum partim e nobis ita timidi sint ut omnem populi Romani beneficiorum memoriam abjecerint, partim ita a re publica aversi ut se hosti favere prae se ferant, legatos nostros ab Antonio despectos esse et irrisos facile patiantur, legatum Antonii sublevatum velint. Hunc enim reditu ad Antonium prohiberi negabant oportere, et in eodem excipiendo sententiam meam corrigebant; quibus geram morem. Redeat ad imperatorem suum Varius, sed ea lege ne umquum Romam revertatur. Ceteris autem, si errorem suum deposuerint, et cum re publica in gratiam redierint, veniam et impunitatem dandam puto.

Quas ob res ita censeo: Eorum qui cum M. Antonio sunt, qui ab armis discesserint, et aut ad C. Pansam aut ad A. Hirtium consules, aut ad Decimum Brutum imperatorem, consulem designatum, aut ad C. Caesarem pro praetore ante Idus Martias primas adierint, iis fraudi ne sit quod cum M. Antonio fuerint. Si quis eorum qui cum M. Antonio sunt fecerit quod honore praemiove dignum esse videatur, uti C. Pansa A. Hirtius consules, alter ambove, si eis videbitur, de ejus honore praemiove primo quoque die ad senatum referant. Si quis post hoc senatus consultum ad Antonium profectus fuerit praeter L. Varium, senatum existimaturum eum contra rem publicam fecisse.

11. *sexennio post*] From B.C. 49 (the consulship of C. Claudius Marcellus and L. Cornelius Lentulus) to B.C. 43.

servi] V, om. D. Some critics doubt if we should retain both 'captivi' and 'servi;' but Cicero, I suppose, means slaves who have been got by capture in war, many of whom were set free, when they were men of merit.

hoc honore] He means the senators, who used to wear the 'toga,' when the other citizens assumed the 'sagum,' or dress of war.

Varius] Cotyla.—'revertatur: see Phil. i. 1, and the note.

INTRODUCTION TO THE NINTH PHILIPPIC.

SER. SULPICIUS, one of the three commissioners sent to Antonius, died near the camp about Mutina, before the message of the senate was delivered to Antonius. The consul Pansa brought before the senate the question of the honours to be paid to the deceased commissioner. P. Servilius proposed a public interment and a sepulchre at the public cost, but he was of opinion that Servius was not entitled to the honour of a statue, which was only given to those who had been killed on a mission. Cicero was in favour both of the public funeral and sepulchre and the statue, and his motion for the statue was carried. Pomponius (Dig. i. 2. 2, § 43) speaks of the statue of Servius as existing in his time: "Hic (Servius) quum in legatione periisset, statuam ei populus Romanus pro rostris posuit et hodieque exstat pro rostris Augusti."

Cicero in this oration speaks of the great qualities of Servius and of his great knowledge of the law (c. 5). A sound understanding, a good education, diligence, and an honest purpose, made him what he was. (See the Introduction to the oration Pro Murena, Vol. iii.) The destruction of the numerous writings of Sulpicius is a great loss, for the method in which he handled the matter of law would have been instructive to us. But he formed a great number of pupils, among whom were A. Ofilius and Alfenus Varus. Ofilius was the master of Tubero, Labeo, and Capito. The Digest of Justinian contains fifty-four extracts from the Digesta of Alfenus Varus, a work in forty books, which may have been an edition of a work of Servius, or an arrangement of his master's labours. Alfenus is the only pupil of Servius from whose writings any excerpts have been preserved in Justinian's Digest; but Servius, like other great teachers, lived in his pupils more than in his writings, and was one of those illustrious men who contributed to the development of Roman law. Though there is no extract from Servius in the Digest, the high esteem in which he was held by subsequent jurists is shown by the fact of his being often cited; and so we may infer that his works were forgotten mainly because they were used by others whose labours at a later period took the place of the works of this early jurist.

ORATIONUM PHILIPPICARUM

LIBER NONUS.

I. Vellem dii immortales fecissent, patres conscripti, ut vivo potius Ser. Sulpicio gratias ageremus quam honores mortuo quaereremus. Nec vero dubito quin, si ille vir legationem renuntiare potuisset, reditus ejus et nobis gratus fuerit et rei publicae salutaris futurus; non quo L. Philippo et L. Pisoni aut studium aut cura defuerit in tanto officio tantoque munere, sed quum Ser. Sulpicius aetate illos anteiret, sapientia omnes, subito ereptus e caussa totam legationem orbam et debilitatam reliquit. Quod si cuiquam justus honos habitus est in morte legato, in nullo justior quam in Ser. Sulpicio reperietur. Ceteri, qui in legatione mortem obierunt, ad incertum vitae periculum sine ullo mortis metu profecti sunt; Ser. Sulpicius cum aliqua perveniendi ad M. Antonium spe profectus est, nulla revertendi. Qui quum ita affectus esset ut, si ad gravem valetudinem labor accessisset, sibi ipse diffideret, non recusavit quo minus vel extremo spiritu, si quam opem rei publicae ferre posset, experiretur. Itaque non illum vis hiemis, non nives, non longitudo itineris, non asperitas viarum, non morbus ingravescens retardavit; quumque jam ad congressum colloquiumque ejus pervenisset ad quem erat missus, in ipsa cura et meditatione obeundi sui muneris excessit e vita.

Ut igitur alia, sic hoc, C. Pansa, praeclare, quod nos et ad honorandum Ser. Sulpicium cohortatus es, et ipse multa copiose de illius laude dixisti. Quibus a te dictis, nihil praeter sententiam dicerem,

1. *legationem renuntiare*] He says to 'report the Legatio,' as he says, Ver. ii. 3, c. 31, "acta et imperia tua domum ad senatum suum renuntiaverunt."

quam in Ser. Sulpicio] Halm places this in [ ]. The words are wanting in V[1], and also the 're' in 'reperietur.' The words which are wanting are supplied m. 2 (Halm).

revertendi] See Phil. i. c. 1.

nisi P. Servilio respondendum putarem, qui hunc honorem statuae nemini tribuendum censuit nisi ei qui ferro esset in legatione interfectus. Ego autem, patres conscripti, sic interpretor sensisse majores nostros ut caussam mortis censuerint, non genus esse quaerendum. Etenim cui legatio ipsa morti fuisset, ejus monumentum exstare voluerunt, ut in bellis periculosis obirent homines legationis munus audacius. Non igitur exempla majorum quaerenda, sed consilium est eorum a quo ipsa exempla nata sunt explicandum. II. Lars Tolumnius, rex Veientium, quattuor legatos populi Romani Fidenis interemit, quorum statuae steterunt usque ad nostram memoriam in rostris. Justus honos: iis enim majores nostri, qui ob rem publicam mortem obierant, pro brevi vita diuturnam memoriam reddiderunt. Cn. Octavii, clari et magni viri, qui primus in eam familiam quae postea viris fortissimis floruit attulit consulatum, statuam videmus in rostris. Nemo tum novitati invidebat: nemo virtutem non honorabat. At ea fuit legatio Octavii in qua periculi suspicio non subesset. Nam quum esset missus a senatu ad animos regum perspiciendos liberorumque populorum, maximeque ut nepotem regis Antiochi, ejus qui cum majoribus nostris bellum gesserat, classes habere, elephantos alere prohiberet, Laodiceae in gymnasio a quodam Leptine est interfectus. Reddita est ei tum a majoribus statua pro vita, quae multos per annos progeniem ejus honestaret, nunc ad tantae familiae memoriam sola restaret. Atqui et huic, et Tullo Cluvio, et L. Roscio, et Sp. Antio et C. Fulcinio, qui a Veientium rege caesi sunt, non sanguis qui profusus est in morte, sed ipsa mors ob rem publicam obita honori fuit. III. Itaque, patres conscripti, si Ser. Sulpicio casus mortem attulisset, dolerem

P. Servilio] Halm adds 'clarissimo viro,' following Th. Mommsen. V has 'cui (ex c. u.);' t has 'cum;' a b g omit 'cum.'—'ei qui:' 'ei' om. a g t.

2. *Lars Tolumnius*] The story is in Livy iv. c. 17. Pliny (34, c. 6) speaks of these four statues. Tolumnius was killed in battle by A. Cornelius Cossus, a 'tribunus militum' (Livy iv. c. 19).

Cn. Octavii] He was consul B.C. 165. In B.C. 162 he was sent on a mission to Antiochus V., the young king of Syria. He was assassinated, as Cicero says, at Laodiceia in Syria. Pliny (34, c. 6): "Non praeteribo Cn. Octavium ob unum scilicet verbum: Hic regem Antiochum daturum se responsum dicentem virga quam tenebat forte circumscripsit, et prius quam egrederetur responsum dare coegit. In qua legatione interfecto Senatus statuam poni jussit quam oculatissimo loco in Rostris." This is the story about the circle which Cicero tells of C. Popilius Laenas (Phil. viii. c. 8).

restaret] V, D; 'restat' Ernesti, Halm. I suppose the alteration is made partly because of the word 'nunc.' But there is no reason for the change, and after 'quae . . . honestaret' we still require the subjunctive, unless we change the form of the rest of the sentence. 'A statue was given to him in place of his life, a statue to honour his progeny for many years, now to be the only record of the memory of so great a family.' Cicero means that the descendants of Cn. Octavius were extinct. Whether that was so or not, I don't know.

Cluvio] V b g t. In Livy (iv. c. 17) it is 'Cloelium Tullum.'

quidem tanto rei publicae vulnere, mortem vero ejus non monumento sed luctu publico esse ornandam putarem. Nunc autem quis dubitat quin ei vitam abstulerit ipsa legatio? Secum enim ille mortem extulit, quam, si nobiscum remansisset, sua cura, optimi filii fidelissimaeque conjugis diligentia vitare potuisset. At ille quum videret, si vestrae auctoritati non paruisset, dissimilem se futurum sui; sin paruisset, munus sibi illud pro re publica susceptum vitae finem fore, maluit in maximo rei publicae discrimine emori quam minus quam potuisset videri rei publicae profuisse. Multis illi in urbibus, iter qua faciebat, reficiendi se et curandi potestas fuit. Aderat hospitum invitatio liberalis pro dignitate summi viri, et eorum hortatio qui una erant missi ad requiescendum et vitae suae consulendum. At ille properans, festinans, mandata vestra conficere cupiens, in hac constantia morbo adversante perseveravit. Cujus quum adventu maxime perturbatus esset Antonius, quod ea, quae sibi jussu vestro denuntiarentur, auctoritate erant et sententia Ser. Sulpicii constituta, declaravit quam odisset senatum, quum auctorem senatus exstinctum laete atque insolenter tulit. Non igitur magis Leptines Octavium, nec Veientium rex eos, quos modo nominavi, quam Ser. Sulpicium occidit Antonius. Is enim profecto mortem attulit, qui caussa mortis fuit. Quocirca etiam ad posteritatis memoriam pertinere arbitror exstare quod fuerit de hoc bello judicium senatus. Erit enim statua ipsa testis bellum tam grave fuisse ut legati interitus honoris memoriam consecutus sit. IV. Quod si excusationem Ser. Sulpicii, patres conscripti, legationis obeundae recordari volueritis, nulla dubitatio relinquetur quin honore mortui quam vivo injuriam fecimus sarciamus. Vos enim, patres conscripti,—grave dictu est, sed dicendum tamen,—vos, inquam, Ser. Sulpicium vita privastis, quem quum videretis re magis morbum quam oratione excusantem, non vos quidem crudeles fuistis,—quid enim minus in hunc ordinem convenit?—sed quum speraretis nihil esse quod non illius auctoritate et sapientia effici posset, vehementius excusationi obstitistis, atque eum, qui semper vestrum consensum gravissimum judicavisset, de sententia dejecistis. Ut vero Pansae consulis accessit cohortatio gravior quam aures Ser. Sulpicii ferre didicissent, tum vero denique filium meque

4. *re magis morbum*] He means, as Manutius understood it properly, that his illness appeared plainly, when they looked at him.—'*re*' V[1], *se* V[2] D' (Halm). Faernus introduced 're' from the Vaticanus. Graevius expresses his surprise that Muretus, Lambinus, Gruter, and others tolerated 'se,' since it would not be Latin; for the Romans did not say 'excusare se aliqua re,' but 'excusare aliquid.' Besides this, the opposition of 're' and 'oratione' is required.

seduxit, atque ita locutus est ut auctoritatem vestram vitae suae se diceret anteferre. Cujus nos virtutem admirati non ausi sumus adversari voluntati. Movebatur singulari pietate filius; non multum ejus perturbationi meus dolor concedebat: sed uterque nostrum cedere cogebatur magnitudini animi orationisque gravitati, quum quidem ille maxima laude et gratulatione omnium vestrum pollicitus est, se quod velletis esse facturum, neque ejus sententiae periculum vitaturum, cujus ipse auctor fuisset; quem exsequi mandata vestra properantem mane postridie prosecuti sumus. Qui quidem discedens mecum ita locutus est ut ejus oratio omen fati videretur.

V. Reddite igitur, patres conscripti, ei vitam cui ademistis; vita enim mortuorum in memoria est posita vivorum. Perficite ut is, quem vos ad mortem inscii misistis, immortalitatem habeat a vobis. Cui si statuam in rostris decreto vestro statueritis, nulla ejus legationem posteritatis obscurabit oblivio. Nam reliqua Ser. Sulpicii vita multis erit praeclarisque monumentis ad omnem memoriam commendata. Semper illius gravitatem, constantiam, fidem, praestantem in re publica tuenda curam atque prudentiam omnium mortalium fama celebrabit. Nec vero silebitur admirabilis quaedam et incredibilis ac paene divina ejus in legibus interpretandis, aequitate explicanda scientia. Omnes ex omni aetate qui in hac civitate intelligentiam juris habuerunt, si unum in locum conferantur, cum Ser. Sulpicio non sint comparandi; nec enim ille magis juris consultus quam justitiae fuit. Ita ea quae proficiscebantur a legibus et ab jure civili semper ad facilitatem aequitatemque refere-

5. *vita enim mortuorum*] 'The life of the dead rests in the remembrance of the living.' And in this sense he understands 'immortalitas' when he says 'immortalitatem habeat a vobis.' This is well said, shorter and better than some people now-a-days have tried to say the same thing. The anticipation of this remembrance may please and be a motive to those who have no belief in a future state (Pro Marcello, c. 9).

silebitur] See Pro Flacco, c. 3, "ea res siletur."—'interpretandis:' 'in explaining the meaning of Leges,' in interpreting them. This is one of the things that a lawyer has to do. 'Interpretari' is a term used by the Roman jurists: "benignius leges interpretandae sunt, quo voluntas earum conservetur" (Dig. 1. 3. 18). The 'aequitas' is the general application of the Lex to all.

facilitatem] 'Utilitatem,' the conjecture of a certain learned man, mentioned, but not named by Lambinus. It is not easy to see exactly what 'facilitatem' means. Cicero speaks of the 'Leges' (enactments) and the 'Jus civile,' which must here be opposed to Leges, and mean the unwritten law. Servius then, whether he had to deal with Leges or with unwritten law, always attempted to bring them back to 'facilitas et aequitas.' The word 'facilitas' may be best explained after the other. Cicero says (Topica, c. 2): "Jus civile est aequitas constituta iis qui ejusdem civitatis sunt ad res suas obtinendas." 'Aequitas' here is a rule the same for all. In another passage (Pro Murena, c. 12) Cicero says "In omni denique jure civili aequitatem reliquerunt, verba ipsa tenuerunt." Here he is speaking of those who follow the bare words and do not look to the meaning. The 'aequitas' of Sulpicius was his method of interpreting the law, in which he was not bound by the strict words, but he looked at the whole purpose and meaning

bat, neque instituere litium actiones malebat quam controversias tollere. Ergo hoc statuae monumento non eget: habet alia majora. Haec enim statua mortis honestae testis erit, illa memoria vitae gloriosae, ut hoc magis monumentum grati senatus quam clari viri futurum sit. Multum etiam valuisse ad patris honorem pietas filii videbitur, qui quamquam afflictus luctu non adest, tamen sic animati esse debetis ut si ille adesset. Est autem ita affectus ut nemo umquam unici filii mortem magis doluerit quam ille maeret patris. Et quidem etiam ad famam Ser. Sulpicii filii arbitror pertinere ut videatur honorem debitum patri praestitisse. Quamquam nullum monumentum clarius Ser. Sulpicius relinquere potuit quam effigiem morum suorum, virtutis, constantiae, pietatis, ingenii, filium, cujus luctus aut hoc honore vestro aut nullo solatio levari potest.

VI. Mihi autem recordanti Ser. Sulpicii multos in nostra familiaritate sermones gratior illi videtur, si qui est sensus in morte, aenea statua futura et ea pedestris quam inaurata equestris, qualis L. Sullae primum statuta est. Mirifice enim Ser. Sulpicius majorum continentiam diligebat, hujus saeculi insolentiam vituperabat. Ut igitur si ipsum consulam quid velit, sic pedestrem ex aere statuam tamquam ex ejus auctoritate et voluntate decerno; quae quidem magnum civium dolorem et desiderium honore monumenti minuet et leniet. Atque hanc meam sententiam, patres conscripti, P. Servilii sententia comprobari necesse est, qui sepulcrum publice decernendum Ser. Sulpicio censuit, statuam non censuit. Nam si mors legati sine caede atque ferro nullum honorem desiderat, cur decernit honorem sepulturae, qui maximus haberi potest mortuo? Sin id tribuit Ser. Sulpicio quod non est datum Cn. Octavio, cur, quod illi datum est, huic dandum esse non censet? Majores quidem nostri statuas multis decreverunt, sepulcra paucis. Sed statuae intereunt tempestate, vi, vetustate; sepulcrorum autem sanctitas in ipso solo

of the rule of law or of the Lex. This was a method which had for its principle the reduction of the law to a readiness and easiness of application (facilitas), a sure method of avoiding disputes about it; for the result of referring to the principles of plain, simple, and honest interpretation was that difficulties were removed instead of being made, and consequently suits avoided instead of being caused.

illa memoria] 'Illa' refers to 'alia majora.' Those greater things which he has done are the record of a glorious life.

6. *si qui est sensus in morte*] This is a doubt which he sometimes expresses. His opinions on the immortality of the soul, or at least what he wrote near the end of his life, are in the last chapters of the De Senectute.—'statuta est:' this is Graevius' emendation. V has 'primum statua,' and D 'prima statua.'

insolentiam] This word is opposed to 'continentiam,' and must mean extravagant expenditure.

sepulcrorum sanctitas in ipso solo] "Religiosum vero nostra voluntate facimus mortuum inferentes in locum nostrum, si modo ejus mortui funus ad nos pertinet" (Gaius, ii. 6). See Justin. Instit. ii. 1. 9, and Schrader's notes; and Dig. 47. 12, 'De sepulcro violato.'

est, quod nulla vi moveri neque deleri potest; atque ut cetera exstinguuntur, sic sepulcra fiunt sanctiora vetustate. Augeatur igitur isto honore etiam is vir cui nullus honor tribui non debitus potest. Grati simus in ejus morte decoranda, cui nullam jam aliam gratiam referre possumus. Notetur etiam M. Antonii nefarium bellum gerentis scelerata audacia. His enim honoribus habitis Ser. Sulpicio, repudiatae rejectaeque legationis ab Antonio manebit testificatio sempiterna.

VII. Quas ob res ita censeo: Quum Ser. Sulpicius Q. F. Lemonia Rufus difficillimo rei publicae tempore, gravi periculosoque morbo affectus, auctoritatem senatus, salutem rei publicae vitae suae praeposuerit, contraque vim gravitatemque morbi contenderit ut in castra M. Antonii quo senatus eum miserat perveniret, isque, quum jam prope castra venisset, vi morbi oppressus vitam amiserit [in] maximo rei publicae tempore, ejusque mors consentanea vitae fuerit sanctissime honestissimeque actae, in qua saepe magno usui rei publicae Ser. Sulpicius et privatus et in magistratibus fuerit, quum talis vir ob rem publicam in legatione mortem obierit, senatui placere Ser. Sulpicio statuam pedestrem aeneam in rostris ex hujus ordinis sententia statui circumque eam statuam locum ludis gladiatoribusque liberos posterosque ejus quoquo versus pedes quinque habere, quod is ob rem publicam mortem obierit, eamque caussam in basi inscribi, utique C. Pansa A. Hirtius consules, alter ambove, si eis videatur, quaestoribus urbis imperent ut eam basim statuamque faciendam et in rostris statuendam locent, quantique locaverint tantam pecuniam redemptori attribuendam solvendamque curent, quumque antea senatus auctoritatem suam in virorum fortium funeribus ornamentisque ostenderit, placere eum quam amplissime supremo suo die efferri: et quum Ser. Sulpicius Q. F. Lemonia Rufus ita de re publica meritus sit ut iis ornamentis decorari debeat, senatum censere atque e re publica existimare aediles curules edictum, quod de funeribus habeant, Ser. Sulpicii Q. F. Lemonia

7. *Lemonia*] The name of Servius' tribe. The word is in the ablative case. See Verr. Act i. c. 8, and the note; and Pro P. Quintio, c. 6, Vol. ii.

in basi] The Romans borrowed this Greek word to express the pedestal of a statue.

faciendam . . . locent] The Quaestores were to make the contract for the making of the statue and the pedestal, and for placing them on the Rostra, and they were to pay the man who undertook the work (the Redemptor) the sum on which they should agree. The cost is not named, but we may assume that it was well known what the cost of such a statue and pedestal must be. Nothing is said of the artist. The quaestors are ordered to make the contract for the statue, in the same terms as if they were ordered to make a contract for building a wall. It was assumed that they would find a fit man for the work.

edictum . . . de funeribus] An Edictum for regulating funerals and limiting expense.

Rufi funeri remittere, utique locum sepulcro in campo Esquilino C. Pansa consul, seu quo in loco videbitur, pedes XXX quoquo versus assignet, quo Ser. Sulpicius inferatur, quod sepulcrum ipsius, liberorum posterorumque ejus esset, uti quod optimo jure publice sepulcrum datum esset.

A constitution of Justinian (A.D. 537) regulated the expenses of funerals in Constantinople (Novell. 59).

pedes XXX *quoquo versus*] The dimensions of a Sepulcrum were often cut on the sepulchral stones for the purpose of marking the limits. The commonest form was 'in fronte pedes . . . in agrum (or 'in agro') pedes . . .,' as in this example:

IN. FRONTE. PEDES. XII
IN AGRO. PEDES XII

This would express Cicero's 'quoquo versus,' for it means a square of twelve feet to the side. This was also expressed by 'pedes quadrati,' and without the mention of 'frons' or 'ager,' front or depth, as

P. Q. XII.

(Fabretti, Inscriptiones Antiquae, p. 177, 179, Romae, 1699.)

inferatur] This is the usual word. "Ossaque tumulo Octaviorum inlata per decretum Senatus" (Tacit. Ann. iv. c. 44).

ET. SI. CORPVS. INFERRE. VOLIT. SIVE. OSSA. LICEAT.

(Fabretti, Inscript. p. 18.)—'ejus esset:' 'ejus sit' D.—'optimo jure:' see Index, Vol. ii. 'Jure optimo.'—'datum esset:' 'datum sit' D.

INTRODUCTION TO THE TENTH PHILIPPIC.

THIS oration was delivered on the occasion of despatches from M. Brutus, who was in Macedonia and had been getting troops together without any authority. Cicero in this oration recommends that the senate should confirm what M. Brutus had done, as they had confirmed what D. Brutus and Caesar had done without authority. Appian says (iii. c. 63) that the senate gave Brutus authority to administer Macedonia and Illyris, and to command the forces in each country until public affairs should be settled.

ORATIONUM PHILIPPICARUM

LIBER DECIMUS.

I. Maximas tibi, Pansa, gratias omnes et habere et agere debemus, qui quum hodierno die senatum te habiturum non arbitraremur, ut M. Bruti praestantissimi civis litteras accepisti, ne minimam quidem moram interposuisti quin quam primum maximo gaudio et gratulatione frueremur. Quum factum tuum gratum omnibus debet esse, tum vero oratio, qua recitatis litteris usus es. Declarasti enim verum esse id, quod ego semper sensi, neminem alterius, qui suae confideret, virtuti invidere. Itaque mihi, qui plurimis officiis sum cum Bruto et maxima familiaritate conjunctus, minus multa de illo dicenda sunt. Quas enim ipse mihi partes sumpseram, eas praecepit oratio tua. Sed mihi, patres conscripti, necessitatem attulit paullo plura dicendi sententia ejus qui rogatus est ante me, a quo ita saepe dissentio ut jam verear ne, id quod fieri minime debet, minuere amicitiam nostram videatur perpetua dissensio.

Quae est enim ista tua ratio, Calene, quae mens, ut numquam post Kalendas Januarias idem senseris quod is qui te sententiam primum rogat? numquam tam frequens senatus fuerit quum unus aliquis sententiam tuam secutus sit? Cur semper tui dissimiles defendis? cur, quum te et vita et fortuna tua ad otium [et] ad dignitatem invitet, ea probas, ea decernis, ea sentis, quae sint inimica et otio communi et dignitati tuae? II. Nam, ut superiora

1. *qui quum . . . arbitraremur, ut &c.*] A form of expression which is not easy to translate. It means, 'for though we had no expectation that you would summon the senate to-day, yet as soon as you received the despatches of M. Brutus.' The despatches ('litterae') were properly addressed to the senate (Ad Div. xi. 4), but as somebody must receive them, they would probably be delivered to the consuls, when both of them were in Rome, or one of them. Two letters of Cicero from Cilicia (Ad Div. xv. 1. 2) are addressed to the consuls, praetors, tribuni plebis, and the senate.

semper sensi] V. D omits 'semper.'—'qui rogatus est ante me:' Calenus.

Calene] See Phil. v. c. 1.

omittam, hoc certe, quod mihi maximam admirationem movet, non tacebo. Quod est tibi cum Brutis bellum? cur eos, quos omnes paene venerari debemus, solus oppugnas? alterum circumsederi non moleste fers, alterum tua sententia spolias iis·copiis, quas ipse suo labore et periculo ad rei publicae, non ad suum praesidium per se nullo adjuvante perfecit? Qui est iste tuus sensus, quae cogitatio, Brutos ut non probes, Antonios probes? quos omnes carissimos habent, tu oderis? quos acerbissime ceteri oderunt, tu constantissime diligas? Amplissimae tibi fortunae sunt, summus honoris gradus, filius, ut et audio et spero, natus ad laudem, cui quum rei publicae caussa faveo, tum etiam tua. Quaero igitur eumne Bruti similem malis an Antonii? ac permitto ut de tribus Antoniis eligas quem velis. Di meliora, inquies. Cur igitur non iis faves, eos laudas, quorum similem tuum filium esse vis? Simul enim et rei publicae consules, et propones illi exempla ad imitandum. Hoc vero, Q. Fufi, cupio sine offensione nostrae amicitiae sic tecum ut a te dissentiens senator queri; ita enim dixisti et quidem de scripto—nam te inopia verbi lapsum putarem, [nisi tuam in dicendo facultatem nossem]:—litteras Bruti recte et ordine scriptas videri. Quid est aliud librarium Bruti laudare, non Brutum? Usum in re publica, Calene, magnum jam habere et debes et potes. Quando ita decerni vidisti? aut quo senatusconsulto hujus generis, sunt enim innumerabilia, bene scriptas litteras decretum a senatu? Quod verbum tibi non excidit, ut saepe fit, fortuito: scriptum, meditatum, cogitatum attulisti. III. Hanc tibi consuetudinem plerisque in rebus bonis obtrectandi si qui detraxerit, quid tibi quod sibi quisque velit non relinquetur? Quamobrem collige te placaque

2. *alterum circumsederi*] D. Brutus, who was besieged in Mutina.

filius, . . . natus ad laudem] Fufius Calenus continued to be a partizan of M. Antonius after Cicero's death. After the Perusine war (B.C. 41) Calenus had a force near the Alps, which Caesar wished to get possession of. Calenus died opportunely, and his son through fear delivered this army to Caesar (Appian, B. C. v. 51).

Di meliora] See Phil. viii. c. 3.

de scripto] He read a written speech.—'putarem, nisi . . . nossem:' a b g V², 'putarem' V¹ t. Halm has properly omitted these words. He says "At est sententia: 'putarem, nisi de scripto dixisses.'—'Quid est aliud:' 'Quid est aliud quam.' V² a b g." This is a common variety. Cicero, who is fond of quibbling about words, finds fault with 'recte et ordine scriptas videri,' as if this was no more than saying that M. Brutus' clerk ('librarius') had written out the despatches fairly and clearly. Calenus meant something different from that, but Cicero was not satisfied with the opinion which Calenus expressed about Brutus' despatches. He wanted a more direct and plainer approval of them.

3. *quid tibi . . . non relinquetur*] Faernus explained it right: "Si careas hoc vitio bonis obtrectandi, omnia in te erunt quae omnes sibi inesse pro se quisque expetant;" and also Manutius. It is not our form of expression. We should say, 'there will then be nothing in you which every man would not be glad to possess.'—'multis uteris:' V, Halm; 'uteris multum' D. If we must decide between these two readings by their value, we must prefer

animum istum aliquando et mitiga: audi viros bonos, quibus multis uteris: loquere cum sapientissimo homine, genero tuo, saepius quam ipse tecum: tum denique amplissimi honoris nomen obtinebis. An vero hoc pro nihilo putas, in quo equidem pro amicitia tuam vicem dolere soleo, efferri hoc foras et ad populi Romani aures pervenire, ei qui primus sententiam dixerit neminem assensum? quod etiam hodie futurum arbitror.

Legiones abducis a Bruto. Quas? Nempe eas quas ille a C. Antonii scelere avertit, et ad rem publicam sua auctoritate traduxit. Rursus igitur vis nudatum illum atque solum a re publica relegatum videri. Vos autem, patres conscripti, si M. Brutum deserueritis et prodideritis, quem tandem civem umquam ornabitis, [cui favebitis]? nisi forte eos qui diadema imposuerint conservandos, eos qui regni nomen sustulerint deserendos putatis. Ac de hac quidem divina atque immortali laude M. Bruti silebo, quae gratissima memoria omnium civium inclusa nondum publica auctoritate testata est. Tantamne patientiam, dii boni! tantam moderationem, tantam in injuria tranquillitatem et modestiam! qui quum praetor urbis esset, urbe caruit, jus non dixit, quum omne jus rei publicae recuperavisset, quumque concursu quotidiano bonorum omnium, qui admirabilis ad eum fieri solebat, praesidioque Italiae cunctae septus posset esse, absens judicio bonorum defensus esse maluit quam praesens manu; qui ne Apollinares quidem ludos pro sua populique Romani dignitate apparatos praesens fecit, ne quam viam patefaceret sceleratissimorum hominum audaciae. IV. Quamquam qui umquam aut ludi aut dies laetiores fuerunt quam quum in singulis versibus populus Romanus maximo clamore et plausu Bruti memoriam prosequebatur? Corpus aberat liberatoris, libertatis memoria aderat, in qua Bruti imago cerni videbatur. At hunc his ipsis ludorum diebus videbam in insula clarissimi adolescentis Lu-

'multis uteris.'—'genero tuo:' with the consul Pansa. Then Calenus will be really 'consularis' in merit, as he was in fact.

C. Antonius] He had gone across the Hadriatic (B.C. 44) to take possession of the province of Macedonia, which the senate had given him through M. Antonius' management. But Brutus came into the province at the same time as C. Antonius, and just at the time when the former governor Q. Hortensius was leaving the province (Dion 47, c. 21).

[*cui favebitis*]?] D. But these words are omitted in V and by Halm.—'qui diadema:' M. Antonius. See the Introd. to the Philippicae.

jus non dixit] He did not exercise 'jurisdictio.' He left the city (Introd. p. 466).—'ne Apollinares quidem ludos:' he was absent from Rome during the celebration, which C. Antonius superintended for him (Introd. p. 466).

4. *his ipsis . . . diebus*] '*iis* Muretus, *his* V i' (Halm), who also has 'iis.'

in insula] This is Nesis. "Postridie iens ad Brutum in Nesidem haec scripsi" (Ad Att. xvi. 1). Again he says (Ad Att. xvi. 4): "in Nesida VIII Idus. Ibi Brutus. Quam ille doluit de Nonis Juliis. Mirifice est conturbatus. Itaque se scripturum

culli, propinqui sui, nihil nisi de pace et concordia civium cogitantem. Eundem vidi postea Veliae cedentem Italia, ne qua oreretur belli civilis caussa propter se. O spectaculum illud non modo hominibus, sed undis ipsis et littoribus luctuosum! cedere e patria servatorem ejus, manere in patria perditores! Cassii classis paucis post diebus consequebatur ut me puderet, patres conscripti, in eam urbem redire ex qua illi abirent. Sed quo consilo redierim initio audistis, post estis experti. Exspectatum igitur tempus a Bruto est. Nam quoad vos omnia pati vidit, usus est ipse incredibili patientia. Posteaquam vos ad libertatem sensit erectos, praesidia vestrae libertati paravit.

At cui pesti quantaeque restitit! Si enim C. Antonius quod animo intenderat perficere potuisset, aut potius nisi ejus sceleri virtus M. Bruti obstitisset, Macedoniam, Illyricum, Graeciam perdidissemus: esset vel receptaculum pulso Antonio vel agger oppugnandae Italiae Graecia; quae quidem nunc M. Bruti imperio, auctoritate, copiis non instructa solum, sed etiam ornata, tendit dexteram Italiae, suumque ei praesidium pollicetur. Quod qui ab illo abducit exercitum, et respectum pulcherrimum et praesidium firmissimum adimit rei publicae. Equidem cupio haec quam primum Antonium audire, ut intelligat non D. Brutum, quem vallo circumsedeat, sed se ipsum obsideri. V. Tria tenet oppida toto in orbe terrarum: habet inimicissimam Galliam; eos

aiebat, ut venationem eam quae postridie Ludos Apollinares futura est proscriberent III Id. Quint." Brutus did not like Quintilis being called Julius. His Ludi were in July (Introd.).

Nesis is Nisida, a small island near the coast of Campania, between Naples and Puteoli. Lucullus was the son of L. Lucullus, who carried on the war against Mithridates and Tigranes. He was the son of Servilia, the uterine sister of M. Cato Uticensis. Another Servilia, a sister, was the mother of M. Brutus.—'Veliae:' see the Introd. p. 457.—'quo consilio:' see Phil. i.

aut potius] Muretus, Halm. V has 'aut potuisset;' i has 'potuisset autem.'—'agger:' he uses military terms. The 'agger' was the earthworks raised in the siege of towns for enabling the besiegers to get on the walls and to assault them. A 'receptaculum' is any thing constructed as a place of refuge or protection in a sudden difficulty or on the occasion of a sortie of the besieged.

Quod qui . . . exercitum] Faernus proposed to change 'quod' into 'quare,' but there is no reason for the change. It is common to find 'quod' so placed with an accusative after it ('exercitum'). Manutius sticks to his old explanation. He says 'quod' is for 'sed,' as when Cicero says "Quod utinam minus vitae cupidus fuissem," and Terence "Quod ego te per hanc dexteram oro" (Andria i. 5, 54). See Verr. ii. 2, c. 26; and ii. 4, c. 6, "Quod ubi intellexi multum," &c., and the notes. See also Pro Mil. c. 8, "Quod vero," &c.

respectum] Compare Phil. xi. 11. 'This if any man takes from him, his army, he also takes away from the state a most excellent refuge in danger and its firmest support.'

5. *Tria tenet*] The towns which M. Antonius held were Bononia, Regium Lepidi, Parma, as appears from Cicero's letter to Cassius (Ad Div. xii. 5) (Manutius).—'a prima ora:' '*a prima ora* edd: *a primo ore* V' (Halm). But 'ora' is the word (Ad Div. xii. 5): "a prima enim ora Graeciae usque ad Aegyptum optimorum civium imperiis muniti erimus et copiis."

etiam quibus confidebat alienissimos Transpadanos; Italia omnis infesta est; exterae nationes a prima ora Graeciae usque ad Aegyptum optimorum et fortissimorum civium imperiis et praesidiis tenentur. Erat ei spes una in C. Antonio, qui duorum fratrum aetatibus medius interjectus vitiis cum utroque certabat. Is tamquam extruderetur a senatu in Macedoniam, et non contra prohiberetur proficisci, ita cucurrit. Quae tempestas, dii immortales! quae flamma, quae vastitas, quae pestis Graeciae [fuisset], nisi incredibilis ac divina virtus furentis hominis conatum atque audaciam compressisset? Quae celeritas illa Bruti, quae cura, quae virtus! Etsi ne C. quidem Antonii celeritas contemnenda est, quem nisi in via caducae hereditates retardassent, volasse eum, non iter fecisse diceres. Alios ad negotium publicum ire quum cupimus, vix solemus extrudere: hunc retinentes extrusimus. At quid ei cum Apollonia, quid cum Dyrrhachio, quid cum Illyrico, quid cum P. Vatinii imperatoris exercitu? Succedebat, ut ipse dicebat, Hortensio. Certi fines Macedoniae, certa conditio, certus, si modo erat ullus, exercitus: cum Illyrico vero et cum Vatinii legionibus quid erat Antonio? At ne Bruto quidem: id enim fortasse quispiam improbus dixerit. Omnes legiones, omnes copiae, quae ubique sunt, rei publicae sunt: neque enim hae legiones, quae M. Antonium reliquerunt, Antonii potius quam rei publicae fuisse dicentur. Omne enim et exercitus et imperii jus amittit is qui eo imperio et exercitu rem publicam oppugnat.

virtus furentis] 'virtus caes. furentis' V.—'ne C.:' Faernus and Muretus. V has 'nec,' which Faernus explains as meaning 'ne C.'—'caducae hereditates:' 'caducum' is properly that which is left by testament to a person who is capable of taking it, but does not take it (Ulpian, Frag. xvii.). The law provided for such cases, as we may suppose, in Cicero's time. The Lex Papia Poppaea on this matter belonged to a later time (A.D. 9), and gave the 'caducum,' if there was no prior claimant, to the 'aerarium;' and in the time of the emperors the Fiscus claimed it. We cannot be certain what Cicero exactly means. Antonius did not march so quick because he was picking up money on the way, and among other things such successions as he found without any one to take them. But it requires time to change a succession into money, and how many would Antonius find on his road? Cicero is speaking vaguely.

vix . . . extrudere] 'Generally we can scarcely drive others off on public business: we have driven off this man by trying to keep him.'

Hortensio] The governor of Macedonia, the son of the orator. As to the limits of this province, see Index, 'Macedonia.'—'cum Illyrico:' Caesar had Illyricum for his province with both the *Galliae* (B.C. 59). P. Vatinius, who was consul at the end of B.C. 47, was sent in B.C. 46 by Caesar to Illyricum. He was *there* in B.C. 45, and wrote a letter to Cicero from Narona. They were now good friends, notwithstanding Cicero's past *abuse* (In Vatinium). He was also there in B.C. 44. It seems that the river Drilo and the town of Lissus were the southern *boundaries* of Illyricum. The northern boundary stretched to the Dalmatae, who were not in the province, for in B.C. 45 *Vatinius* was at war with the Dalmatae (Ad Div. v. 10), as Vatinius' letter to Cicero shows, and Cicero's answer (Ad Div. v. 11).—'*neque enim hae* legiones:' 'nec enim eae leg.' V Halm.

VI. Quod si ipsa res publica judicaret, aut si omne jus decretis ejus statueretur, Antonione an Bruto legiones populi Romani adjudicaret? Alter advolarat subito ad direptionem pestemque sociorum, ut quocumque iret omnia vastaret, diriperet, auferret, exercitu populi Romani contra ipsum populum Romanum uteretur; alter eam sibi legem statuerat, ut quocumque venisset lux venisse quaedam et spes salutis videretur. Denique alter ad evertendam rem publicam praesidia quaerebat, alter ad conservandam. Nec vero nos hoc magis videbamus quam ipsi milites, a quibus tanta in judicando prudentia non erat postulanda. Cum VII cohortibus isse Apolloniam scribit Antonium, qui jam aut captus est, quod dii dent! aut certe homo verecundus in Macedoniam non accedit, ne contra senatus consultum fecisse videatur. Delectus habitus in Macedonia est summo Q. Hortensii studio et industria, cujus animum egregium dignumque et ipso et majoribus ejus ex Bruti litteris perspicere potuistis. Legio, quam L. Piso ducebat, legatus Antonii, Ciceroni se filio meo tradidit. Equitatus qui in Syriam ducebatur bipartito, alter eum quaestorem a quo ducebatur reliquit in Thessalia seseque ad Brutum contulit; alterum in Macedonia Cn. Domitius adolescens summa virtute et constantia a legato Syriaco abduxit. P. autem Vatinius, qui et antea jure laudatus a vobis, et hoc tempore merito laudandus est, aperuit Dyrrhachii portas Bruto et exercitum tradidit. Tenet igitur res publica Macedoniam, tenet Illyricum, tuetur Graeciam: nostrae sunt legiones, nostra levis armatura, noster equitatus, maximeque noster est Brutus semperque noster, quum sua excellentissima virtute rei publicae natus, tum fato

6. *Apolloniam*] Cicero speaks of C. Antonius having seven cohorts. There were five legions in Macedonia, of which four came over to Brundisium to M. Antonius. The fifth is not the force of which Cicero here speaks, for he mentions only seven cohorts (Appian, B. C. iii. c. 43); and Appian says (iii. c. 46) that when Antonius advanced into North Italy he had three Macedonian legions, for the remaining legion had come. He lost two (the Quarta and Martia) of the four legions, which came first from Macedonia, but the arrival of the fifth made up three Macedonian legions.—'esse Apolloniae:' Halm.

Ciceroni . . . meo] Cicero's son went to Athens on the Kal. Apr. B.C. 45, to study there. He had been a year at Athens when Cicero addressed to him the treatise De Officiis (i. 1). We hear of him being at Athens till Quintilis B.C. 44, and we may suppose that he stayed there till M. Brutus went to Athens. Brutus went to Athens from Velia, as it seems. Plutarch (Brutus, c. 24) says: "he attached to himself and kept with him the young men from Rome who were residing at Athens for the sake of their studies. Among them was also a son of Cicero, whom Brutus particularly commends, and says that whether he is waking or sleeping, he admires him for his noble disposition and hatred of tyrants." Horace, who was also at Athens, joined Brutus, and was at the battle of Philippi; but we do not know at what time Horace joined Brutus.

bipartito] 'bipertito' V D, Halm.—'alter eum quaestorem:' V, Halm, 'alterum' D; for which the printed books have 'alter eum.'—'Cn. Domitius:' the son of Lucius (Phil. ii. c. 11).

Dyrrhachii portas] Dyrrhachium, a free city, was in Macedonia. We do not know what Vatinius was doing there.

quodam paterni maternique generis et nominis. VII. Ab hoc igitur viro quisquam bellum timet, qui, ante quam nos id coacti suscepimus, in pace jacere quam in bello vigere maluit? Quamquam ille quidem numquam jacuit, nec hoc cadere verbum in tantam virtutis praestantiam potest. Erat enim in desiderio civitatis, in ore, in sermone omnium. Tantum autem aberat a bello ut, quum cupiditate libertatis Italia arderet, defuerit civium studiis potius quam eos in armorum discrimen adduceret. Itaque illi ipsi, si qui sunt qui tarditatem Bruti reprehendant, tamen iidem moderationem patientiamque mirantur.

Sed jam video quae loquantur, neque enim id occulte faciunt. Timere se dicunt quo modo ferant veterani exercitum Brutum habere. Quasi vero quidquam intersit inter A. Hirtii, C. Pansae, D. Bruti, C. Caesaris et hunc exercitum M. Bruti. Nam si quattuor exercitus ii de quibus dixi propterea laudantur, quod pro populi Romani libertate arma ceperunt, quid est cur hic M. Bruti exercitus non in eadem caussa ponatur? At enim veteranis suspectum est nomen M. Bruti. Magisne quam Decimi? Equidem non arbitror. Etsi est enim Brutorum commune factum et laudis societas aequa, Decimo tamen iratiores erant ii qui id factum dolebant, quo minus ab eo rem illam dicebant fieri debuisse. Quid ergo agunt nunc tot exercitus nisi ut obsidione [D.] Brutus liberetur? Qui autem hos exercitus ducunt? Ii, credo, qui C. Caesaris res actas everti, qui caussam veteranorum prodi volunt. VIII. Si ipse viveret C. Caesar, acrius, credo, acta sua defenderet quam vir fortissimus defendit Hirtius: aut amicior caussae quisquam potest inveniri quam filius? At horum alter, nondum ex longinquitate gravissimi morbi recreatus, quidquid habuit virium, id in eorum libertatem defendendam contulit, quorum votis judicavit se a morte revocatum: alter virtutis robore firmior quam aetatis cum istis ipsis veteranis ad D. Brutum liberandum est profectus. Ergo illi certissimi iidemque acerrimi Caesaris actorum patroni pro D. Bruti salute bellum gerunt, quos veterani sequuntur; de libertate enim populi Romani, non de suis commodis, armis decernendum

paterni maternique] He alludes to M. Brutus' alleged descent from L. Brutus, who expelled Tarquinius Superbus, and from Servilius Ahala.—'viro:' om. D.

7. *in pace jacere*] His inactivity after the 15th of March.—'cadere verbum:' see the Index.

commune factum] Caesar's assassination. 'Quo minus' refers to 'iratiores.' It is a form of expression plain enough in Latin.

Ii, credo] Said ironically. Antonius had undone the 'acta' of Caesar, as Cicero has often said.

8. *alter ... morbi ... votis*] He alludes to Hirtius' bad health (Phil. vii. c. 4).—'alter virtutis:' young Caesar.

vident. Quid est igitur cur iis qui D. Brutum omnibus opibus conservatum velint M. Bruti sit suspectus exercitus? An vero, si quid esset quod a M. Bruto timendum videretur, Pansa id non videret? aut si videret, non laboraret? Quis aut sapientior ad conjecturam rerum futurarum aut ad propulsandum metum diligentior? Atquin hujus animum erga M. Brutum studiumque vidistis. Praecepit oratione sua quid decernere nos de M. Bruto, quid sentire oporteret, tantumque abfuit ut periculosum rei publicae Bruti putaret exercitum, ut in eo firmissimum rei publicae praesidium et gravissimum poneret. Scilicet hoc Pansa aut non videt, hebeti enim ingenio est, aut negligit; quae enim Caesar egit, ea rata esse non curat; de quibus confirmandis et sanciendis legem comitiis centuriatis ex auctoritate nostra laturus est. IX. Desinant igitur aut ii qui non timent simulare se timere et prospicere rei publicae, aut ii qui omnia verentur nimium esse timidi, ne illorum simulatio, horum obsit ignavia. Quae, malum, est ista ratio, semper optimis caussis veteranorum nomen opponere? quorum etiamsi amplecterer virtutem, ut facio, tamen, si essent arrogantes, non possem ferre fastidium. At nos conantes servitutis vincula rumpere impediet, si quis veteranos id nolle dixerit. Non sunt enim, credo, innumerabiles qui pro communi libertate arma capiant; nemo est praeter veteranos milites qui ad servitutem propulsandam ingenuo dolore excitetur. Potest igitur stare res publica freta veteranis sine magno subsidio juventutis? quos quidem vos libertatis adjutores complecti debetis, servitutis auctores sequi non debetis. Postremo, erumpat enim aliquando vera et me digna vox, si veteranorum nutu mentes hujus ordinis gubernantur, omniaque ad eorum voluntatem nostra dicta, facta referuntur, optanda mors est, quae civibus Romanis semper fuit servitute potior. Omnis est misera servitus; sed fuerit quaedam necessaria: ecquodnam principium putatis libertatis capessendae? an, quum illum necessarium et fatalem paene casum non tulerimus, hunc feremus voluntarium? Tota Italia desiderio libertatis exarsit; servire diutius non potest civitas; serius populo Romano hunc vestitum atque arma dedimus quam ab eo flagitati sumus.

Atquin] V; 'atqui' a b g. "Non est autem dubium quin prisci illi et *atquin* et *alioquin* ubi vocalis sequebatur scribere soliti essent" (Muretus).

quae enim Caesar . . . curat] He is speaking ironically.

9. *At nos*] V[1] D, Halm. 'An nos' V[2]. If we take 'At,' the note of interrogation placed at the end of the sentence must be removed, but Halm keeps it. 'Non sunt enim, credo,' is the sarcastic answer to the supposed objection.

quaedam necessaria] Under Caesar's usurpation.—'hunc vestitum:' the 'sagum.'

X. Magna quidem nos spe et prope explorata libertatis caussam suscepimus; sed, ut concedam incertos exitus esse belli Martemque communem, tamen pro libertate vitae periculo decertandum est. Non enim in spiritu vita est, sed ea nulla est omnino servienti. Omnes nationes servitutem ferre possunt: nostra civitas non potest, nec ullam aliam ob caussam, nisi quod illae laborem doloremque fugiunt, quibus ut careant omnia perpeti possunt, nos ita a majoribus instituti atque imbuti sumus ut omnia consilia atque facta ad virtutem et ad dignitatem referremus. Ita praeclara est recuperatio libertatis ut ne mors quidem sit in repetenda libertate fugienda. Quod si immortalitas consequeretur praesentis periculi fugam, tamen eo magis ea fugienda videretur quo diuturnior servitus esset. Quum vero dies et noctes omnia nos undique fata circumstent, non est viri minimeque Romani dubitare eum spiritum quem naturae debeat patriae reddere. Concurritur undique ad commune incendium restinguendum. Veterani, qui primi Caesaris auctoritatem secuti [sunt], conatum Antonii reppulerunt: post ejusdem furorem Martia legio fregit, Quarta afflixit. Sic a suis legionibus condemnatus irrupit in Galliam, quam sibi armis animisque infestam inimicamque cognovit. Hunc A. Hirtii, C. Caesaris exercitus insecuti sunt: post Pansae delectus urbem totamque Italiam erexit. Unus omnium est hostis; quamquam habet secum L. fratrem, carissimum populo Romano civem cujus desiderium civitas ferre diutius non potest. Quid illa taetrius bellua, quid immanius? qui ob eam caussam natus videtur ne omnium mortalium turpissimus esset M. Antonius. Est una Trebellius, qui jam cum tabulis novis redit in gratiam, [T.] Plancus et ceteri pares, qui id pugnant, id agunt, ut contra rem publicam restituti esse videantur. Sollicitant homines imperitos Saxa et Cafo, ipsi rustici atque agrestes, qui hanc rem publicam nec viderunt umquam nec videre constitutam volunt, qui non Caesaris, sed Antonii acta defendunt, quos avertit agri Campani infinita possessio, cujus eos non pudere demiror, quum videant se mimos et mimas habere vicinos. XI. Ad has pestes opprimendas [quid est] cur moleste feramus quod M. Bruti accessit exercitus? immoderati, credo, hominis et turbulenti; videte, ne nimium paene patientis: etsi in illius viri

10. *Martemque communem*] See Pro P. Sestio, c. 5, and the note.

Veterani, qui] V, 'veteranique' D. If the text is the true reading, we must add 'sunt,' which is not in the MSS. Faernus proposed 'Veterani quidem primi.' —'Martia legio:' see Introd. to Phil, iii.

Trebellius] See Introd. p. 450.—'Plancus:' V[2]; 'T. Plancus' D. See Phil. vi. c. 4, and the note.—'restituti:' Phil. vi. c. 4.

avertit] They do not maintain the 'acta' of Caesar, but those of Antonius, who had given them land in Campania.

consiliis atque factis nihil nec nimium nec parum umquam fuit. Omnis voluntas M. Bruti, patres conscripti, omnis cogitatio, tota mens auctoritatem senatus, libertatem populi Romani intuetur: haec habet proposita, haec tueri vult. Tentavit quid patientia perficere posset: nihil quum proficeret, vi contra vim experiendum putavit. Cui quidem, patres conscripti, vos idem hoc tempore tribuere debetis, quod a. d. XIII. Kal. Jan. D. Bruto C. Caesari me auctore tribuistis; quorum privatum de re publica consilium et factum auctoritate vestra est comprobatum atque laudatum. Quod idem in M. Bruto facere debetis, a quo insperatum et repentinum rei publicae praesidium legionum, equitatus, auxiliorum magnae et firmae copiae comparatae sunt: adjungendusque est Q. Hortensius, qui quum Macedoniam obtineret, adjutorem se Bruto ad comparandum exercitum fidissimum et constantissimum praebuit. Nam de M. Apuleio separatim censeo referendum, cui testis est per litteras M. Brutus eum principem fuisse ad conatum exercitus comparandi. Quae quum ita sint, quod C. Pansa consul verba fecit de litteris, quae a Q. Caepione Bruto pro consule allatae et in hoc ordine recitatae sunt, de ea re ita censeo: Quum Q. Caepionis Bruti pro consule opera, consilio, industria, virtute difficillimo rei publicae tempore provincia Macedonia et Illyricum et cuncta Graecia, et legiones, exercitus, equitatus in consulum, senatus populique Romani potestate sint, id Q. Caepionem Brutum pro consule bene et e re publica pro sua majorumque suorum dignitate consuetudineque rei publicae bene gerendae fecisse, eam rem senatui populoque Romano gratam esse et fore; utique Q. Caepio Brutus proconsul provinciam Macedoniam, Illyricum cunctamque Graeciam tueatur, defendat, custodiat incolumemque conservet, eique exercitui quem ipse constituit, comparavit, praesit, pecuniamque ad rem militarem, si qua opus sit, quae publica sit et exigi possit, utatur, exigat, pecuniasque a quibus videatur ad rem militarem mutuas sumat, frumentum-

11. *a. d.* XIII. *Kal. Jan.*] When he delivered the Third Philippic. See p. 535.

M. Apuleio] Appian, B. C. iv. 75, speaks of Brutus receiving from Apuleius some troops. See Phil. xiii. c. 16. Plutarch (Brutus, c. 24) seems to allude to this Apuleius, though he calls him Antistius (c. 25): "Brutus hearing that Roman vessels full of money were sailing over from Asia, with a commander on board who was an honest man, an acquaintance of his, met him near Carystus and persuaded him and obtained a surrender of the vessels." See Appian, B. C. iii. 63.

Q. Caepione Bruto] M. Brutus was adopted by his mother's brother Q. Servilius Caepio, and hence he is sometimes called Q. Caepio Brutus (Cicero, Ad Div. vii. 21; Ad Att. ii. 24). Ferrarius quotes a medal with the inscription: L. SEST. PROQ. on one side, and on the other Q. CAEPIO BRVTVS PROCOS.

Q. Caepio Brutus proconsul] V. Halm writes 'pro consule.'

pecuniamque ad rem] '*pecuniaque* aliquot (?) codd. dett.' (Halm).

que imperet, operamque det ut cum suis copiis quam proxime Italiam sit: quumque ex litteris Q. Caepionis Bruti pro consule intellectum sit Q. Hortensii pro consule opera et virtute vehementer rem publicam adjutam omniaque ejus consilia cum consiliis Q. Caepionis Bruti pro consule conjuncta fuisse, eamque rem magno usui rei publicae fuisse, Q. Hortensium pro consule recte et ordine, exque republica fecisse, senatuique placere Q. Hortensium pro consule cum quaestore prove quaestore et legatis suis provinciam Macedoniam obtinere, quoad ei ex senatusconsulto successum sit.

cum quaestore prove quaestore] Mommsen, Halm. V has 'cum questoribus prove questores;' and t has 'cum q. prove q.'

INTRODUCTION TO THE ELEVENTH PHILIPPIC.

C. Trebonius had the province of Asia which the senate gave him after Caesar's death. Dolabella had obtained, with the help of M. Antonius, the province of Syria and a commission to conduct the war against the Parthians. He left Italy before the end of B.C. 44, in order to reach Syria before C. Cassius, to whom the province had been assigned by the Dictator Caesar. Cassius had set out for the east before Dolabella. The route which Dolabella took was through Macedonia, where M. Brutus was with a force. M. Antonius had given to Dolabella the cavalry which was in Macedonia; but part of the cavalry deserted the Quaestor Cinna, when he was leading them through Thessaly, and went over to Brutus. Another body of cavalry was induced by Cn. Domitius to join Brutus (Cicero, Phil. x. c. 6). Dolabella had still two legions, one of which he sent forward into Asia under Octavius Marsus, and he followed himself in the beginning of B.C. 43.

Trebonius, who was in possession of his province Asia, took precautions against Dolabella and his troops. He gave orders that they should be provided with all necessaries on their march through Asia to Syria, but should not be admitted into any strong place. The two Proconsuls saw one another before Pergamum and before Smyrna, and were on friendly terms. Dolabella now pretended that he was going to Ephesus to ship his troops for Syria, to which Trebonius consented. Dolabella set out for Ephesus, but he hastily turned back in the night, surprised Smyrna, seized Trebonius and put him to death, in the month of February B.C. 43. Cicero is the only writer who speaks of Trebonius being tortured by Dolabella's order. The fact is exceedingly improbable; but as this oration was delivered on the arrival at Rome of the news of Trebonius' death, it is likely that there were reports of Dolabella's cruelty, and we may be sure that Cicero would make the most of them. Dolabella was declared an enemy to the state about the middle of March B.C. 43.

In this oration Cicero urges the senate to give the prosecution of the war against Dolabella to C. Cassius, who was in Syria and had a sufficient force. Manutius inferred from the words of Velleius (ii. 62) that

Cicero carried his motion; but the inference is false. There is a letter of Cicero to Cassius (Ad Div. xii. 7) in which he says that his proposal would have been carried in the senate, if the consul Pansa had not vehemently opposed him. After the meeting in the senate he says that he was brought forward to address the people by the Tr. pl. M. Servilius. This letter seems to refer to the matter discussed in the Eleventh Philippic. The letter of Lentulus also to Cicero (Ad Div. xii. 14. written at the end of May B.C. 43) shows, as Drumann observes (Geschichte Roms i. p. 275), that Cicero's proposal was not accepted by the senate; and we must conclude that the senate gave the provinces of Asia and Syria to the consuls Hirtius and Pansa, with authority to conduct the war against Dolabella, though they would not leave Italy until Mutina was relieved, and they must act in the mean time by deputy.

Cicero had said (Ad Div. xii. 7) that Cassius would not wait for the senate's commission, and he did not. In his letter to Cicero (Ad Div. xii. 11) early in March he styles himself Proconsul. But the senate did not acknowledge Cassius as proconsul until after the defeat of Antonius before Mutina and the death of both the consuls Hirtius and Pansa. Velleius (ii. 62) however says that both Brutus and Cassius were acknowledged as rightfully in possession of their provinces after the battle of Mutina; and Appian says that both of them were acknowledged before the battle.

ORATIONUM PHILIPPICARUM

LIBER UNDECIMUS.

I. Magno in dolore, patres conscripti, vel maerore potius, quem ex crudeli et miserabili morte C. Trebonii optimi civis moderatissimique hominis accepimus, inest tamen aliquid quod rei publicae profuturum putem. Perspeximus enim quanta in iis qui contra patriam scelerata arma ceperunt inesset immanitas. Nam duo haec capita nata sunt post homines natos taeterrima et spurcissima, Dolabella et Antonius, quorum alter effecit quod optarat, de altero patefactum est quid cogitaret. L. Cinna crudelis, C. Marius in iracundia perseverans, L. Sulla vehemens, neque ullius horum in ulciscendo acerbitas progressa ultra mortem est; quae tamen poena in cives nimis crudelis putabatur. Ecce tibi geminum in scelere par, invisitatum, inauditum, ferum, barbarum. Itaque quorum summum quondam inter ipsos odium bellumque meministis, eosdem postea singulari inter se consensu et amore devinxit improbissimae naturae et turpissimae vitae similitudo. Ergo id quod fecit Dolabella in quo potuit, multis idem minatur Antonius. Sed ille quum procul esset a consulibus exercitibusque nostris neque dum senatum cum

1. *dolore*] 'dolore sum' D; but 'sum' spoils the sentence, as Muretus remarked. —'C. Trebonii:' there is a letter (Ad Div. xii. 16) from C. Trebonius to Cicero, dated from Athens, at the end of May B.C. 44, when Trebonius was on his way to Asia. Trebonius had seen Cicero's son at Athens, and had invited the youth to join him in Asia, when he should have taken possession of his province.

optarat] V Halm, 'optabat' D.—'inuisitatum:' t. The other MSS. cited by Halm have 'inusitatum.' Graevius conjectured that 'invisitatus,' 'never seen before,' was the true reading. The two words are easily confounded. Halm says "in Livii iv, 33; v, 17. 35. 37. 45 and xxxxv, 42 *inuisitatus* non *inusitatus* ex codd. optimis scribendum est." In Livy v. 37 there is 'invisitato atque inaudito hoste;' though the common texts have 'inusitato.'

summum . . . odium] See Introd. p. 455. —'improbissimae:' V, 'impurissimae' D. —'procul esset:' V Halm, 'procul abesset' D.

populo Romano conspirasse sensisset, fretus Antonii copiis ea scelera suscepit, quae Romae jam suscepta arbitrabatur a sociis furoris sui. Quid ergo hunc aliud moliri, quid optare censetis aut quam omnino caussam esse belli? Omnes qui libere de re publica sensimus, qui dignas nobis sententias diximus, qui populum Romanum liberum esse voluimus, statuit ille quidem non inimicos sed hostes: majora tamen in nos quam in hostem supplicia meditatur: mortem naturae [poenam] putat esse, iracundiae tormenta atque cruciatum. Qualis igitur hostis habendus est is a quo victore si cruciatus absit, mors in beneficii parte numeretur? II. Quamobrem, patres conscripti, quamquam hortatore non egetis, ipsi enim vestra sponte exarsistis ad libertatis recuperandae cupiditatem, tamen eo majore animo studioque libertatem defendite, quo majora proposita victis supplicia servitutis videtis. In Galliam invasit Antonius, in Asiam Dolabella; in alienam uterque provinciam. Alteri se Brutus objecit, impetumque furentis atque omnia divexare ac diripere cupientis vitae suae periculo colligavit, progressu arcuit, a reditu refrenavit: obsideri se passus ex utraque parte constrinxit Antonium. Alter in Asiam irrupit. Cur? Si ut in Syriam, patebat via et certa neque longa. Quid opus fuit cum legione? praemisso Marso nescio quo Octavio, scelerato latrone atque egente, qui popularetur agros, vexaret urbes, non ad spem constituendae rei familiaris, quam tenere eum posse negant qui norunt—mihi enim hic senator ignotus est—sed ad praesentem pastum mendicitatis

hunc aliud] 'Hunc' is Antonius, who will do the same that Dolabella has done.

naturae [poenam]] Faernus thought that 'poenam' should be erased, and perhaps he is right. Cicero would then say that 'death comes from nature, torture and cruelty from violent passion.' Lambinus agrees with Faernus. See In Cat. iv. c. 4, and the notes.

2. *Cur? Si*] There is some difficulty here. In place of 'Cur? Si' D has 'cursim.' Various attempts have been made to correct the passage. As it stands here the meaning seems plain: 'Why? if his object was to reach Syria, the road to Syria was open and plain and not a long road.' The shortest road did not lie through Asia. 'What need was there to go with a legion?' If Dolabella preferred taking the road through Asia, there was no occasion for taking a legion with him and sending on with it the plunderer Octavius. After the words 'neque longa' Lambinus inserted the words 'Sin ut ad Trebonium,' and Halm has printed them in italics. This addition is without any authority, so far as I know.

cum legione? . . . Octavio] The legion, says Manutius, was given to him by Antonius, and he refers to Appian, B. C. iii. Perhaps he means the passage in c. 25. This Octavius is named Marcus Octavius by Dion (47, c. 30). Appian (B. C. iv. c. 62) names him Marsus. When Cassius took Laodicea, in which Dolabella was shut up with Octavius, the man who was Dolabella's bodyguard cut off his master's head in obedience to orders. Octavius killed himself.

hic senator] He means Octavius, who, we must assume, had got into the senate, but Cicero did not know him.—'Nulla suspicione belli:' I have followed Halm in making 'Nulla suspicione' begin a new sentence. He says that Rau changed the pointing. This is an improvement in place of 'consecutus est Dolabella nulla suspicione belli. Quis enim' &c.

suae, consecutus est Dolabella. Nulla suspicione belli—quis enim id putaret?—secutae collocutiones familiarissimae cum Trebonio complexusque: summae benevolentiae falsi indices exstiterunt in amore simulato; dexterae, quae fidei testes esse solebant, perfidia sunt et scelere violatae: nocturnus introitus Smyrnam quasi in hostium urbem, quae est fidissimorum antiquissimorumque sociorum: oppressus Trebonius, si ut ab eo qui aperte hostis esset, incautus; si ut ab eo qui civis etiam tum speciem haberet, miser. Ex quo nimirum documentum nos capere fortuna voluit quid esset victis extimescendum. Consularem hominem, consulari imperio provinciam Asiam obtinentem, Samiario exsuli tradidit: interficere captum statim noluit, ne nimis, credo, in victoria liberalis videretur. Quum verborum contumeliis optimum virum incesto ore lacerasset, tum verberibus ac tormentis quaestionem habuit pecuniae publicae idque per biduum. Post cervicibus fractis caput abscidit, idque affixum gestari jussit in pilo: reliquum corpus tractum atque laniatum abjecit in mare. Cum hoc hoste bellandum est, cujus taeterrima crudelitate omnis barbaria superata est. Quid loquar de caede civium Romanorum, de direptione fanorum? Quis est qui pro rerum atrocitate deplorare tantas calamitates queat? Et nunc tota Asia vagatur, volitat ut rex; nos alio bello distineri putat; quasi vero non idem unumque bellum sit contra hoc jugum impiorum

falsi] Faernus proposed to erase 'falsi' and also 'esse solebant,' and to read the whole passage thus: 'complexusque summae benivolentiae indices exstiterunt in amore simulato; dextraeque fidei testes sunt perfidia et scelere violatae.' I have followed Halm in this passage. I doubt if it is all right. Seb. Rau has proposed 'secutae . . . . cum Trebonio. Complexus qui sunt mutuae benevolentiae indices, falsi exstiterunt in amore simulato.'

Smyrnam] Halm has 'Zmyrnam,' and the name was so written sometimes. V has 'sedmyrnam,' as Halm reports it. Muretus gives the reading 'Sdmyrnam,' which, as he says, means Zmyrnam. The story of Trebonius being seized by Dolabella at Smyrna is told by Appian (B. C. iii. 26), who says that a centurion cut off Trebonius' head as soon as he was taken. At daybreak Dolabella set up the head on the praetorian seat, from which Trebonius had been used to administer justice. He was the first of Caesar's assassins, says Appian, who paid the penalty of his deeds. Dion also (47, c. 29), who tells the story of Dolabella's treacherous conduct towards Trebonius and of the murder, says nothing of Trebonius being tortured.

Samiario] Garatoni says, "fortasse opificii genus denotat estque litera minuscula scribendum '*samiario*.'"—'exsuli:' Mommsen proposes 'nescio cui.' V has 'exul.'

quaestionem . . . pecuniae publicae] Dolabella put him to the rack, as it is said here, to find out from him where the public money was. I know not what else Cicero can mean; and yet one would suppose that many persons must have known where it was. Perhaps however the governor had concealed some of the money in Smyrna.

cervicibus fractis] D omits 'fractis.' Trebonius was first strangled and then his head was cut off. The body was thrown into the sea. Appian (B. C. iii. 26) says that the soldiers insulted Trebonius' body, and pitched his head from one to the other like a ball in the paved streets of Smyrna, until it could no longer be recognized. Appian also says that Trebonius' remains were brought to Rome, and that upon this Dolabella was declared an enemy (iii. c. 61).

atque laniatum] omitted in V.—'hoc jugum:' this yoke of villains, a couple of them. He has already named them 'geminum in scelere par.'

nefarium. III. Imaginem M. Antonii crudelitatis in Dolabella cernitis: ex hoc illa efficta est; ab hoc [illa] Dolabellae scelerum praecepta sunt tradita. Num leniorem quam in Asia Dolabella fuit in Italia si liceat fore putatis Antonium? Mihi quidem et ille pervenisse videtur, quoad progredi potuerit feri hominis amentia, neque Antonius ullius supplicii adhibendi, si potestatem habeat, ullam esse partem relicturus. Ponite igitur ante oculos, patres conscripti, miseram illam quidem et flebilem speciem, sed ad incitandos nostros animos necessariam: nocturnum impetum in urbem Asiae clarissimam, irruptionem armatorum in Trebonii domum, quum miser ille prius latronum gladios videret quam quae res esset audisset: furentis introitum Dolabellae, vocem impuram atque os illud infame, vincula, verbera, eculeum, tortorem carnificemque Samiarium; quae tulisse illum fortiter et patienter ferunt. Magna laus, meoque judicio omnium maxima; est enim sapientis, quidquid homini accidere possit, id praemeditari ferendum modice esse, si evenerit. Majoris omnino est consilii providere ne quid tale accidat, animi non minoris fortiter ferre si evenerit. Ac Dolabella quidem tam fuit immemor humanitatis, quamquam ejus numquam particeps fuit, ut suam insatiabilem crudelitatem exercuerit non solum in vivo, sed etiam in mortuo, atque in ejus corpore lacerando atque vexando, quum animum satiare non posset, oculos paverit suos.

IV. O multo miserior Dolabella quam ille, quem tu miserrimum esse voluisti! Dolores Trebonius pertulit magnos; multi ex morbi gravitate majores, quos tamen non miseros, sed laboriosos solemus dicere. Longus fuit dolor bidui; at compluribus annorum saepe multorum. Nec vero graviora sunt carnificum tormenta quam interdum cruciamenta morborum. Alia sunt, alia, inquam

3. *efficta est*] "Habet liber manuscriptus et ita omnino legendum opinor" (F. Ursini). Halm expresses a doubt about this: '*efficta* codex? Ursini.' V D have 'effecta.' But 'efficta' is the word. It corresponds to 'effigies' (Phil. ix. c. 5).

quoad] 'quodad' V.—'neque Antonius . . . relicturus:' Cicero soon found this to be true by his own experience.

Ponite igitur] This is, as Muretus supposes (Var. Lect. viii. c. 10), an imitation of a passage of Aeschines in the Oration against Ctesiphon; and Cicero has a similar imitation, if it is one, in the second oration De Lege Agraria: "Ponite ante oculos vobis Rullum," &c. The passage of Aeschines is (c. 48): *Γένεσθε δή μοι σμικρὸν χρόνον τῇ διανοίᾳ μὴ ἐν τῷ δικαστηρίῳ, ἀλλ' ἐν τῷ θεάτρῳ*, &c.; and a little further on (c. 49): *Ἀλλ' ἐπειδὴ τοῖς σώμασιν οὐ παρεγένεσθε, ταῖς γε διανοίαις ἀποβλέψατ' αὐτῶν εἰς τὰς συμφορὰς*, &c.

eculeum] See the Index.

est enim sapientis] Lambinus supposes that Cicero has used Pittacus' saying (Diog. Laert. Pittacus, Lib. i.): *συνετῶν μὲν ἀνδρῶν πρὶν γενέσθαι τὰ δυσχερῆ προνοῆσαι ὅπως μὴ γένηται· ἀνδρείων δὲ γενόμενα εὖ θέσθαι.*

paverit] Ferrarius. The MSS. are said to have 'pavit.' But the clause, as Ferrarius says, seems to depend on the first part of the sentence.

4. *laboriosos*] See Pro Caelio, c. 1, and the note.—'tormenta . . . cruciamenta:' D, 'cruciamenta . . . tormenta' V.

o perditissimi homines et amentissimi, multo miseriora. Nam quo major vis est animi quam corporis, hoc sunt graviora ea quae concipiuntur animo quam illa quae corpore. Miserior igitur qui suscipit in se scelus quam is qui alterius facinus subire cogitur. Cruciatus est a Dolabella Trebonius: et quidem a Karthaginiensibus Regulus. Qua re quum crudelissimi Poeni judicati sint in hoste, quid in cive de Dolabella judicandum est? An vero hoc conferendum est aut dubitandum uter miserior sit, isne cujus mortem senatus populusque Romanus ulcisci cupit an is qui cunctis senatus sententiis hostis est judicatus? Nam ceteris quidem vitae partibus quis est qui possit sine Trebonii maxima contumelia conferre vitam Trebonii cum Dolabellae? Alterius consilium, ingenium, humanitatem, innocentiam, magnitudinem animi in patria liberanda quis ignorat? alteri a puero pro deliciis crudelitas fuit; deinde ea libidinum turpitudo ut in hoc sit semper ipse laetatus, quod ea faceret quae sibi objici ne ab inimico quidem possent verecundo. Et hic, dii immortales! aliquando fuit meus; occulta enim erant vitia non inquirenti. Neque nunc fortasse alienus ab eo essem, nisi ille nobis, nisi moenibus patriae, nisi huic urbi, nisi diis penatibus, nisi aris et focis omnium nostrum, nisi denique naturae et humanitati inventus esset inimicus. A quo admoniti diligentius et vigilantius caveamus Antonium.

V. Etenim Dolabella non ita multos secum habuit notos et insignes latrones. At videtis quos et quam multos habeat Antonius. Primum Lucium fratrem. Quam facem, dii immortales! quod facinus! quod scelus! quem gurgitem! quam voraginem! Quid eum non sorbere animo, quid non haurire cogitatione, [cujus sanguinem non bibere

qui suscipit in se scelus] This is Platonic, says Muretus, as we see it expressed in the Gorgias: 'If I should be under the necessity of doing wrong or being wronged, I should rather choose to be wronged than to do wrong.' But Cicero's expression is not quite the same.—'is qui:' D, 'si qui' P. R. Muellerus, quoted by Halm; and Halm takes it. V has 'si ui.'

in patria liberanda] In the matter of Caesar's assassination. Trebonius kept Antonius in talk at the door of the Curia, while his fellow conspirators were stabbing Caesar (Introd. p. 447).

ne ab inimico . . . verecundo] He has used this rhetorical turn before, and applied it to Antonius.—'meus:' he was once Cicero's son-in-law. It is hardly possible that Cicero should not have known the man's character before his marriage with Tullia. Even after the separation of Dolabella from Tullia, Cicero and his former son-in-law were good friends, the evidence of which is the letter to Dolabella (Cicero Dolabellae cos. suo s. Ad Att. xiv. 17). And Cicero tells us that even now, though his vices were such that they could not decently be mentioned, he should perhaps not have withdrawn his affection, if he had not become an enemy to Cicero's party. This is a clear admission that he cared not what the man was, if he had only kept true to the faction of the conspirators.—'nobis:' Halm, and it is the right word. V has 'bonis;' but 'bonis' and 'nobis' are sometimes confounded. D has 'vobis.'

5. *non ita multos*] See Verr. ii. 1, c. 18.

[*cujus sanguinem . . . . . censetis*] ? *in*] Omitted by V.—'Censorinum:' Marcius Censorinus. He is mentioned again Phil.

censetis]? in cujus possessiones atque fortunas non impudentissimos oculos spe et mente defigere? Quid Censorinum? qui se verbo praetorem esse urbanum cupere dicebat, re certe noluit. Quid Bestiam? qui consulatum in Bruti locum se petere profitetur, atque hoc quidem detestabile omen avertat Juppiter! Quam absurdum autem qui praetor fieri non potuerit, eum petere consulatum, nisi forte damnationem pro praetura putat. Alter Caesar Vopiscus ille summo ingenio, summa potentia, qui ex aedilitate consulatum petit, solvatur legibus; quamquam leges eum non tenent propter eximiam, credo, dignitatem. At hic me defendente quinquies absolutus est: sexta palma urbana etiam in gladiatore difficilis. Sed haec judicum culpa, non mea est. Ego defendi fide optima: illi debuerunt clarissimum et praestantissimum senatorem in civitate retinere. Qui tamen nunc nihil aliud agere videtur nisi ut intelligamus illos, quorum res judicatas irritas fecimus, bene et e re publica judicavisse. Neque hoc in hoc uno est: sunt alii in iisdem castris honeste condemnati, turpiter restituti. Quod horum consilium, qui omnibus bonis hostes sunt, nisi crudelissimum putatis fore? Accedit Saxa nescio quis, quem nobis Caesar ex ultima

xiii. c. 2. It seems that he was Praetor in B.C. 43, and perhaps one of the two who are spoken of in Phil. xii. c. 8. As he was with Antonius he was not acting as Praetor urbanus (re certe noluit). Halm says that Mommsen proposes to write 're certare' for 're certe;' but he does not say why the change is proposed.

Bestiam] L. Calpurnius Piso Bestia, the man whom Cicero once defended (B.C. 56) on a charge of Ambitus at the praetorian Comitia (Ad Q. Fr. ii. 3, 6). He is alluded to in the oration Pro Sulla (c. 10, and the note), as it is supposed. Bestia was convicted notwithstanding Cicero's defence, and went into exile; but he had been recalled.

Alter Caesar Vopiscus] He calls Bestia 'a second Caesar Vopiscus,' a far fetched allusion, but we may assume that Cicero's hearers were familiar with Roman history. C. Julius Caesar Strabo Vopiscus had some merit as an orator (Cicero, Brutus, c. 48). He was Aedilis curulis in B.C. 90. In B.C. 88 he wished to be made consul, though he had not been Praetor, and this too in spite of the Lex Villia Annalis. The Tr. pl. P. Antistius and P. Sulpicius Rufus resisted Vopiscus' attempt, and the quarrel came to blows. Vopiscus perished in the next year, when Cinna and Marius got possession of Rome, for Vopiscus was of Sulla's faction (Brutus, c. 89; De Oratore, iii. 3). This Caesar is one of the speakers in the De Oratore (ii. 3), where we learn that he was a brother of Q. Catulus (frater uterinus).—'solvatur legibus:' he alludes to the Villia Annalis. See the Index.

sexta palma] A sixth acquittal is a sixth victory, and that is not usual even in a gladiator. "*Urbana*," says Manutius, "quia nunc abest, sed in urbem si redierit, accusabitur;" but Cicero alludes to Bestia's conviction, B.C. 56.

illos . . . . irritas] Manutius incorrectly says that he was convicted under the Lex Pompeia. In 'res judicatas,' the 'verdicts of the Judices,' Cicero alludes to those who had been condemned under the Lex Pompeia (de vi) having been restored, except Milo (Manutius).

Saxa] See Phil. viii. 3. He was once a 'castrorum metator' (Phil. xiv. c. 4). This is said to be the earliest passage in which a 'castrorum metator,' an officer who marked out the ground for encampment, is mentioned. In the time of Polybius (vi. 41) this was done by a tribune and centurions (comp. Caesar, B. G. ii. 17: "exploratores centurionesque praemittit qui locum idoneum castris deligant").—'nanc . . . urbis:' he is thinking of marking out Rome for plunder and proscription.—'ominetur:' 'dominetur' a g t b². But 'omi-

Celtiberia tribunum plebis dedit, castrorum antea metator, nunc, ut sperat, urbis; a qua quum sit alienus, suo capiti salvis nobis ominetur. Cum hoc veteranus Cafo, quo neminem veterani pejus oderunt. His quasi praeter dotem quam in civilibus malis acceperant agrum Campanum est largitus Antonius, ut haberent reliquorum nutriculas praediorum; quibus utinam contenti essent! ferremus, etsi tolerabile non erat: sed quidvis patiendum fuit ut hoc taeterrimum bellum non haberemus.

VI. Quid illa castrorum M. Antonii lumina, nonne ante oculos proponitis? Primum duos collegas Antoniorum et Dolabellae, Nuculam et Lentonem, Italiae divisores lege ea quam senatus per vim latam judicavit; quorum alter commentatus est mimos, alter egit tragoediam. Quid dicam de Apulo Domitio? cujus modo bona proscripta vidi; tanta procuratorum est negligentia. At hic nuper sororis filio infudit venenum, non dedit. Sed non possunt non prodige vivere, qui nostra bona sperant, quum effundant sua. Vidi etiam P. Decii auctionem clari viri, qui majorum suorum exempla persequens pro alieno se aere devovit. Emptor tamen in ea auctione inventus est nemo. Hominem ridiculum qui se exire aere alieno putet posse, quum vendat aliena. Nam quid ego de Trebellio dicam? quem ultae videntur furiae debitorum; vindicem enim tabularum novarum novam tabulam videmus. Quid de T. Planco? quem praestantissimus civis Aquila Pollentia expulit, et

netur' is the true reading, as Ferrarius saw. 'May the omen be against himself!' "Sic Q. Hortensii vox extincta suo fato est, nostra publico. Melius, quaeso, ominare, inquit Brutus" (Brutus, c. 96).

civilibus] 'cibilibus' V, a usual variety in some of the old MSS. (see Phil. v. c. 1, and the note on 'vocabamur').—'nutriculas:' "ut agri Campani fertilitate alerent reliqua praedia, quae civilibus in malis acceperant" (Manutius).—'essent:' 'esse possent' D.

6. *Nuculam et Lentonem*] Members of the Septemviratus. See Phil. viii. c. 9; and as to 'divisores,' see Introd. p. 454, on the Agraria Lex.—'commentatus est:' wrote 'mimi.' He says (Pro Roscio Am. c. 29): "quae mihi iste visus est ex alia oratione declamare quam in alium reum commentaretur."

bona proscripta] His property was sold to pay his creditors. The explanation of the term 'bona proscribere' and of 'procuratores' may be found by referring to the Index to Vol. ii. The negligence of the 'procuratores' of Domitius seems not a matter for which he ought to be blamed. Next comes a charge of an intention to poison, such a charge as Cicero often makes without giving any evidence.

P. Decii auctionem] The sale of his property. The Decii devoted themselves for their country in battle (Index, Vol. iii. 'Decii'). This Decius devoted himself for his debts.—'se exire:' 'se exercere' V, 'se exire' D, 'se exserere' Halm, 'se expedire' Cobetus (quoted by Halm). If the text is not right, and perhaps it is not, I prefer 'se exuere' (see Verr. ii. 5, c. 58).

quem ultae] 'quem ute' V, 'quam multae' D. The correction was made by U. Bandinelli and approved by Muretus. As to Trebellius, see Introd. p. 450. The 'nova tabula' is the 'tabula auctionaria.' He was sold up.

Aquila] See Phil. xiii. c. 12. Aquila is Pontius Aquila, who fell on the side of Hirtius and Pansa in the battle before Mutina: "ibi Hirtium quoque perisse et Pontium Aquilam" (Letter of Pollio to Cicero, Ad Div. x. 33). It appears from this passage that Aquila had driven T. Plancus out of Pollentia, now Pollenza, a town in Cispadan Gallia on the Tanarus, and that Plancus

quidem crure fracto; quod utinam illi ante accidisset, ne huc redire potuisset! Lumen et decus illius exercitus paene praeterii, T. Annium Cimbrum, Lysidici filium, Lysidicum ipsum, [Graeco verbo:] quoniam omnia jura dissolvit, nisi forte jure Germanum Cimber occidit. Quum hanc et hujus generis copiam tantam habeat Antonius, quod scelus omittet, quum Dolabella tantis se obstrinxerit parricidiis nequaquam pari latronum manu et copia? Quapropter, ut invitus saepe dissensi a Q. Fufio, ita sum ejus sententiae libenter assensus. Ex quo judicare debetis me non cum homine solere, sed cum caussa dissidere. Itaque non assentior solum, sed etiam gratias ago Q. Fufio. Dixit enim severam, gravem, re publica dignam sententiam: judicavit hostem Dolabellam, bona censuit publice possidenda. Quo quum addi nihil potuisset—quid enim atrocius potuit, quid severius decernere?—dixit tamen, si quis eorum, qui post se rogati essent, graviorem sententiam dixisset, in eam se iturum. Quam severitatem quis potest non laudare?

VII. Nunc quoniam hostis est judicatus Dolabella, bello est persequendus. Neque enim quiescit: habet legionem, habet fugitivos, habet sceleratam impiorum manum: est ipse confidens, impotens, gladiatorio generi mortis addictus. Quamobrem quoniam Dolabella hesterno die hoste decreto bellum gerendum est, imperator est deligendus. Duae dictae sunt sententiae, quarum neutram probo: alteram, quia semper, nisi quum est necesse, periculosam arbitror: alteram, quia alienam his temporibus existimo. Nam extraordinarium imperium populare atque ventosum est, minime nostrae gravi-

had broken his leg. Aquila was one of Caesar's assassins (Dion 46, c. 38).

ne huc redire potuisset] He was restored from exile by C. Caesar (Manutius).—'[Graeco verbo]:' Manutius thought that these words were a glossema. Cicero is playing on the meaning of the word 'Lysidicus.'—'Germanum:' see Phil. xiii. c. 12. Halm refers to Quintilian viii. 3, 29: "Cimber hic fuit a quo fratrem necatum hoc Ciceronis dicto notatum est: germanum Cimber occidit." "Est lusus verborum inter germanum et Germanum" (Halm).

bona . . . publice possidenda] Dolabella was guilty of treason, and the consequence was forfeiture of his property, either a legal consequence, or a forfeiture declared by a vote of the senate. His property could be seized by the Quaestores for the benefit of the Aerarium. Livy (38, c. 60): "In bona deinde L. Scipionis possessum publice quaestores praetor misit;" but in that case L. Scipio had been condemned to pay a penalty after being convicted of Peculatus. The property was sold by auction after seizure. The purchaser was called Sector, and he became the owner when he had paid the price. Gaius (iv. 146): "Item ei qui publica (publice?) bona emerit, ejusdem condicionis interdictum proponitur, quod appellatur sectorium, quod sectores appellantur qui publice bona mercantur." As to Sector, see Pro Rosc. Am. c. 29 and the note, and c. 36.

potuisset] V, 'possit' b, 'posset' a g t. But 'posset' would not express the meaning. The thing was done.—'decernere:' V has 'degenere,' out of which Muretus made 'de genero.' F. Ursini also has the same conjecture, and adds that Dolabella was the husband of Q. Fufius Calenus' daughter. But he does not give any authority for this assertion.

7. *gladiatorio generi*] "Caede delectatur, ad eam, sicuti gladiatores, videtur esse natus" (Manutius).

extraordinarium] Such as was given to

tatis, minime hujus ordinis. Bello Antiochino magno et gravi, quum L. Scipioni provincia Asia obvenisset, parumque in eo putaretur esse animi, parum roboris, senatusque ad collegam ejus C. Laelium, hujus Sapientis patrem, negotium deferret, surrexit P. Africanus, frater major L. Scipionis, et illam ignominiam a familia deprecatus est, dixitque et in fratre suo summam virtutem esse summumque consilium, neque se ei legatum id aetatis iisque rebus gestis defuturum. Quod quum ab eo esset dictum, nihil est de Scipionis provincia commutatum, nec plus extraordinarium imperium ad id bellum quaesitum quam duobus antea maximis Punicis bellis, quae a consulibus aut a dictatoribus gesta et confecta sunt, aut quam Pyrrhi, quam Philippi, quam post Achaico bello, quam Punico tertio; ad quod populus Romanus ita sibi ipse delegit idoneum ducem P. Scipionem, ut eum tamen bellum gerere consulem vellet. VIII. Cum Aristonico bellum gerendum fuit P. Licinio L. Valerio consulibus. Rogatus est populus, quem id bellum gerere placeret: Crassus, consul et pontifex maximus, Flacco collegae, flamini Martiali, mulctam dixit si a sacris discessisset, quam mulctam populus remisit; pontifici tamen flaminem parere jussit. Sed ne tum quidem populus Romanus ad privatum detulit bellum, quamquam erat Africanus, qui anno ante de Numantinis triumpha-

Cn. Pompeius by the Lex Manilia, in favour of which Cicero delivered an oration (De Imp. Cn. Pompeii, Vol. ii.). This was one proposal. The other is explained in c. 9. Cicero calls it 'ventosum,' a word which Horace has used:

"Non ego ventosae plebis suffragia venor." (Ep. i. 19, v. 37.)

Antiochino] 'Antiochi' a b g. C. Laelius was the father of the Laelius called Sapiens, one of the speakers in the Dialogue De Amicitia. The elder Laelius was the friend of Africanus Major; the younger was the friend of Africanus Minor.—'neque se ei legatum:' he offered to serve under his younger brother, though he had done such great things. It was not unusual at Rome for a man who had been consul to serve under others. "P. Scipio Africanus dixit, Si L. Scipioni fratri suo provinciam decrevissent, se legatum iturum" (Livy, 37, c. 1; B.C. 190).—'hujus Sapientis:' Pighius proposed 'C. Laelium Laelii Sapientis,' because it was not probable that Laelius was then alive, much less that he was in the senate when Cicero said this. Of course he was not. A man who was born about B.C. 186 was not alive in B.C. 43. Ernesti and Garatoni proposed to write 'illius' for 'hujus;' but 'hic' does not always mean that the man spoken of is either present or alive.

Philippi] King of Macedonia, who was conquered by T. Quinctius Flamininus. The Achaic war was that which ended with the capture of Corinth by L. Mummius, B.C. 146.—'ita sibi ipse...ut eum...consulem:' 'for which war the Roman people selected a competent commander, P. Scipio, and yet it was their pleasure that he should conduct the war in the capacity of consul.' Africanus Minor was elected consul in B.C. 147, before he had attained the legal age, and he received Africa for his province with a commission to take Carthage, which he did B.C. 146.

8. *Aristonico*] In B.C. 131. P. Licinius Crassus and L. Valerius Flaccus were consuls. There was war with Aristonicus, who claimed the kingdom of Pergamum, which the king, the last Attalus, had bequeathed to the Romans (Liv. Ep. 59; Strabo, p. 646).—'mulctam dixit:' he imposed on him a fine if he should leave his duties as Flamen.

anno ante de Numantinis] Africanus Minor took Numantia in Spain B.C. 133,

verat, qui quum longe omnes belli gloria et virtute superaret, duas tamen tribus solas tulit. Ita populus Romanus consuli potius Crasso quam privato Africano bellum gerendum dedit. De Cn. Pompeii imperiis, summi viri atque omnium principis, tribuni plebis turbulenti tulerunt. Nam Sertorianum bellum a senatu privato datum est, quia consules recusabant, quum L. Philippus pro consulibus eum se mittere dixit, non pro consule. Quae igitur haec comitia, aut quam ambitionem constantissimus et gravissimus civis L. Caesar in senatum introduxit? Clarissimo viro atque innocentissimo decrevit imperium, privato tamen: in quo maximum nobis onus imposuit. Assensus ero, ambitionem induxero in curiam: negaro, videbor suffragio meo tamquam comitiis honorem homini amicissimo denegavisse. Quod si comitia placet in senatu habere, petamus, ambiamus; tabella modo detur nobis, sicut populo data est. Cur committis, Caesar, ut aut praestantissimus vir, si tibi non sit assensum, repulsam tulisse videatur, aut unus quisque nostrum praeteritus, si quum pari dignitate simus, eodem honore digni non putemur. At enim, nam id exaudio, C. Caesari adolescentulo imperium extraordinarium mea sententia dedi. Ille enim mihi praesidium extraordinarium dederat; quum dico mihi, senatui dico populoque Romano. A quo praesidium res publica ne cogitatum quidem tantum haberet, ut sine eo salva esse non posset, huic extraordinarium imperium non darem? Aut exercitus adimendus aut imperium dandum fuit. Quae est enim ratio aut qui potest fieri ut sine imperio teneatur exercitus? Non igitur quod ereptum non est, id existimandum

and he had his triumph in B.C. 132. Africanus got the votes of two tribes only, as Cicero says.—'consuli . . . Crasso:' though he was Pontifex Maximus. He was the first man (Liv. Ep. 59) who left Italy while he held the office of Pontifex Maximus.

imperiis . . . tribuni plebis turbulenti] C. Manilius was the active Tr. pl. on the occasion of giving Cn. Pompeius his extraordinary commission for the Mithridatic war (B.C. 66). If we knew no more about the matter than Cicero tells us here, we should not guess that he had spoken in favour of Manilius' Rogatio (De Imp. Cn. Pompeii).—'Nam Sertorianum bellum:' he passes this over lightly with a 'nam;' for it was a precedent against his present argument. The senate gave this commission to Cn. Pompeius in B.C. 76, when he was only an Eques. They gave him equal authority with Metellus Pius, who was then opposed to Sertorius in Spain. See De Imp. Cn. Pomp. c. 21, and the notes.—'pro consulibus:' this joke of L. Philippus is reported also in the De Imp. Cn. Pompeii (c. 21, and the note).

privato tamen] P. Servilius consularis, a son of Isauricus.—'Assensus ero:' 'If I assent.'—'negaro:' 'if I refuse.' The 'ambitionem' is the solicitation and canvassing, which would be introduced into the senate.

committis] Faernus. The codd. have 'comitiis' and 'comiciis.' Manutius supposed 'comitiis' to be right, for he explained it 'Cur comitiis hoc agendum putas?'

exaudio] See Index, Vol. iii.—'Ille enim:' This is the answer to the supposed objection, 'At enim.'

Aut exercitus] Here he tells the truth. Caesar had got together an army, and intended to use it. The senate was therefore compelled to give him a regular commission (imperium), or he would have acted without it. Cicero's apology is very weak.

est datum. Eripuissetis C. Caesari, patres conscripti, imperium, nisi dedissetis. Milites veterani, qui illius auctoritatem, imperium, nomen secuti pro re publica arma ceperant, volebant sibi ab illo imperari: legio Martia et Quarta ita se contulerant ad auctoritatem senatus populique Romani dignitatem ut deposcerent imperatorem et ducem C. Caesarem. Imperium C. Caesari belli necessitas, fasces senatus dedit. Otioso vero et nihil agenti privato, obsecro te, L. Caesar,—cum peritissimo homine mihi res est,—quando imperium senatus dedit?

IX. Sed de hoc quidem hactenus, ne refragari homini amicissimo ac de me optime merito videar; etsi quis potest refragari non modo non petenti, verum etiam recusanti? Illa vero, patres conscripti, aliena consulum dignitate, aliena temporum gravitate sententia est, ut consules Dolabellae persequendi caussa Asiam et Syriam sortiantur. Dicam cur inutile rei publicae, sed prius quam turpe consulibus sit videte. Quum consul designatus obsideatur, quum in eo liberando salus sit posita rei publicae, quum a populo Romano pestiferi cives parricidaeque desciverint, quumque id bellum geramus, quo bello de dignitate, de libertate, de vita decernamus, [et,] si in potestatem quis Antonii venerit, proposita sint tormenta atque cruciatus, quumque harum rerum omnium decertatio consulibus optimis et fortissimis commissa et commendata sit, Asiae et Syriae mentio fiet, ut aut suspicioni crimen aut invidiae materiam dedisse videamur? At vero ita decernunt, 'ut liberato Bruto,' id enim restabat, ut relicto, deserto, prodito. Ego vero mentionem omnino provinciarum factam dico alienissimo tempore. Quamvis enim intentus animus tuus sit, C. Pansa, sicut est, ad virum fortissimum et omnium clarissimum liberandum, tamen rerum natura coget te necessario referre animum aliquando ad Dolabellam persequendum et partem aliquam in Asiam et Syriam derivare curae et cogitationis tuae. Si autem fieri posset, vel plures te animos habere vellem quos omnes ad Mutinam intenderes. Quod quoniam fieri non potest, istoc animo, quem habes praestantissimum atque optimum, nihil te volumus nisi de Bruto cogitare. Facis tu id quidem,

9. *recusanti*] He means Servilius, who, he says, did not wish to have the commission. He says (c. 8) "honorem homini amicissimo denegavisse."

consul designatus] D. Brutus, who was besieged in Mutina by M. Antonius.

[*et,*] *si in potestatem*] 'et' om. V b g t and Halm.—'id enim restabat, ut relicto,' &c.: 'ut relicto . . . prodito' is Cicero's interpretation of the words 'ut liberato Bruto.'

derivare] 'to divert,' a metaphor which the Romans often used. It is taken from the practice of irrigation, for 'derivare' is 'to draw off water' by 'rivi' or channels. See Pro Milone, c. 10: "dicam enim [aperte] non derivandi criminis caussa," &c.

istoc animo] 'isto te animo' Halm; omitting the 'te' after 'nihil.'—'incumbis ut intelligo:' Halm.

et eo maxime incumbis; duas tamen res magnas praesertim non modo agere uno tempore, sed ne cogitando quidem explicare quisquam potest. Incitare et inflammare tuum istuc praestantissimum studium, non ad aliam ulla ex parte curam transferre debemus. X. Adde istuc sermones hominum, adde suspiciones, adde invidiam. Imitare me quem tu semper laudasti, qui instructam ornatamque a senatu provinciam deposui, ut incendium patriae omissa omni cogitatione restinguerem. Nemo erit praeter unum me, quicum profecto, si quid interesse tua putasses, pro summa familiaritate nostra communicasses, qui credat te invito provinciam tibi esse decretam. Hanc, quaeso, pro tua singulari sapientia reprime famam, atque effice, ne id quod non curas cupere videare. Quod quidem eo vehementius tibi laborandum est, quia in eandem cadere suspicionem collega vir clarissimus non potest. Nihil horum scit, nihil suspicatur. Bellum gerit, in acie stat, de sanguine et de spiritu decertat: ante provinciam sibi decretam audiet quam potuerit tempus ei rei datum suspicari. Vereor ne exercitus quoque nostri, qui non delectus necessitate, sed voluntariis studiis se ad rem publicam contulerunt, tardentur animis, si quidquam aliud a nobis nisi de instanti bello cogitatum putabunt. Quod si provinciae consulibus expetendae videntur, sicut saepe multis clarissimis viris expetitae sunt, reddite prius nobis Brutum, lumen et decus civitatis, qui ita conservandus est, ut id signum quod de caelo delapsum Vestae custodiis continetur; quo salvo salvi sumus futuri. Tunc vel in caelum vos, si fieri poterit, humeris nostris tollemus: provincias certe dignissimas vobis deligemus: nunc quod agitur agamus. Agitur autem liberine vivamus an mortem obeamus, quae certe servituti anteponenda est. Quid si etiam affert tarditatem ista sententia ad Dolabellam persequendum? quando enim veniet consul? An id exspectamus quo ne vestigium quidem Asiae civitatum atque urbium relinquatur?—At mittent aliquem de suo numero.—Valde mihi probari potest, qui paullo ante clarissimo viro privato impe-

10. *provinciam deposui*] Cicero refused to take a province in the year after his consulship, and he made his declaration to this effect in a Contio. He says in a letter to Q. Metellus Celer (Ad Div. v. 2, 3): "Illud dico me, ut primum in contione provinciam deposuerim, statim quemadmodum eam tibi traderem cogitare coepisse."

in eandem cadere suspicionem] He could also have said, as he does sometimes, 'in collegam eadem suspicio cadere non potest.' Hirtius was now before Mutina.—'ei rei;' to the determination about the Provincia. The words 'ei rei' refer to 'provinciam decretam.'

saepe multis] 'saepe a multis' Halm.—'id signum:' 'illud signum' Halm, following Ernesti; but I do not think that the alteration is necessary, for the 'signum' is particularly described 'quod . . . continetur;' and the word 'illud' is rather out of place. The 'signum' is the Palladium.

Quid si etiam . . . relinquatur?] Cicero's argument is this; 'What if this proposal

rium extra ordinem non dedi.—At hominem dignum mittent.—Num P. Servilio digniorem? At eum quidem civitas non habet. Quod ergo ipse nemini putat dandum ne a senatu quidem, id ego unius judicio delatum comprobem? Expedito nobis homine et parato, patres conscripti, opus est, et eo qui imperium legitimum habeat, qui praeterea auctoritatem, nomen, exercitum, perspectum animum in re publica liberanda.

XI. Quis igitur is est? Aut M. Brutus aut C. Cassius aut uterque. Decernerem plane, sicut multa, consulem alterum am-

of yours causes even delay in punishing Dolabella? for when will the consul come? Or must we wait for this, until not even a trace of the states and cities of Asia shall be left?' The other side is supposed to reply: 'But they will send somebody out of their own class' (some consular). 'That,' rejoins Cicero ironically, 'may be explained to my satisfaction, who have just refused to give an extraordinary commission to a private person.'

In place of 'quo ne' Gul. Christ writes 'quoad ne,' which Halm accepts; t has 'quo ante,' b 'quo nec,' a 'quo,' g i 'quo ne.' Lambinus proposed 'an id tempus . . . quo ne.' I don't see what we gain by Christ's emendation. The expression in the text may be difficult to translate, as many of the combinations of 'qui' with the subjunctive are; but it is easy to understand: 'are we waiting until not a trace of the states and cities of Asia shall be left?' But a proper translation should not neglect the 'id.'

putat] "*putavi* Madvigius (in literis ad nos datis): *putat* codd. et edd. 'Velim scire, quem interpretes intellexerint *ipsum*, qui extra ordinem imperium nemini putat dandum, ne a senatu quidem. Nam ego prorsus neminem reperire possum, qui a Cicerone significatus sit praeter Ciceronem ipsum, cui apertissime haec sententia paucis ante verbis tribuitur: Valde mihi probari potest (ironice dicit), qui...non dedi'" (Halm). There are two ways of dealing with a proposal to alter the MSS. readings. We may show that the text is capable of a fair explanation, and when that can be done we should decide in favour of the text, for the general presumption is that the MSS. are right; and in every case where we suppose that they are not right, we must be able to show some reason why they are not. Or we can begin by assuming the proposed alteration to be right, and see whether it makes the whole more consistent than the MSS. reading. If we accept 'putavi,' Cicero says: 'What I myself thought ought not to be given to any man even by the senate, shall I approve of that being conferred by a single man's decision?' The single man is the consul Pansa, as the chapter shows; for though Cicero has said 'mittent,' he means to say that Pansa, who is at Rome, may commission some person to go out against Dolabella, and the person must be named by Pansa alone, if there was to be no delay in sending somebody out, for Hirtius was before Mutina (Quod quidem . . . nihil suspicatur). But 'ipse' and 'ego' seem to show that two persons are put in opposition, Cicero himself and another; and I think Cicero would not have said 'ipse putavi' if he were speaking of himself, and then added 'id ego.' If we take the reading 'ipse putat,' the reading of the MSS., 'ipse' refers to Servilius, as Manutius observes, and this is more conformable to the use of 'ipse,' 'ego' being in the other member of the sentence, than to suppose 'ipse' to mean Cicero. There seems no difficulty in assigning this opinion to Servilius, for Cicero has said (c. 9): "Etsi quis potest refragari non modo non petenti, verum etiam recusanti." The man who is said to refuse the commission himself may very well be supposed to think that it ought not to be given to any other person, not even by the senate; and if Servilius thought that the senate should not make such an appointment, Cicero could properly ask if he himself could approve of such appointment when made by a single man, the consul. I think that the MSS. reading may be satisfactorily explained, and that it presents less difficulty than the proposed alteration.

11. *sicut multa*, &c.] This seems to be corrupt. Halm writes 'multa *in* consulibus, alterum ambosve,' and he supposes 'decernuntur' to be understood with 'in consulibus.'—'non ut ex ea acie:' Ferrarius proposed 'non ut eo ex acie' &c. Ravius proposes to erase 'ea;' and Halm thinks that the word 'acies' should be erased in

bosve, ni Brutum colligassemus in Graecia, et ejus auxilium ad Italiam vergere quam ad Asiam maluissemus; non ut ex ea acie respectum haberemus, sed ut ipsa acies subsidium haberet etiam transmarinum. Praeterea, patres conscripti, M. Brutum retinet etiam nunc C. Antonius, qui tenet Apolloniam, magnam urbem et gravem, tenet, opinor, Byllidem, tenet Amantiam, instat Epiro, urget Oricum, habet aliquot cohortes, habet equitatum. Hinc si Brutus erit traductus ad aliud bellum, Graeciam certe amiserimus. Est autem etiam de Brundisio atque illa ora Italiae providendum. Quamquam miror tamdiu morari Antonium; solet enim ipse accipere manicas nec diutius obsidionis metum sustinere. Quod si confecerit Brutus et intellexerit plus se rei publicae profuturum, si Dolabellam persequatur quam si in Graecia maneat, aget ipse per sese, ut adhuc quoque fecit, neque in tot incendiis, quibus confestim succurrendum est, exspectabit senatum. Nam et Brutus et Cassius multis jam in rebus ipse sibi senatus fuit. Necesse est enim in tanta conversione et perturbatione omnium rerum temporibus potius parere quam moribus. Nec enim nunc primum aut Brutus aut Cassius salutem libertatemque patriae legem sanctissimam et morem optimum judicavit. Itaque si ad nos nihil referretur de Dolabella persequendo, tamen ego pro decreto putarem, quum essent tales virtute, auctoritate, nobilitate summi viri, quo-

both places. Cicero says (Phil. x. c. 4): "Quod qui ab illo abducit exercitum, et respectum pulcherrimum et praesidium firmissimum adimit rei publicae." Various attempts have been made to explain this passage (c. 11), but none that I have seen are successful. It is one of those passages where the words may be translated, but there is no sense in them; and we may conclude that there is something corrupt.

Oricum] 'mei' says Halm. "*Illyricum*, liber unus atque alter: in queis Gad. quod probo" (Ferrarius); who observes that Cicero had said in the Tenth Philippic, that C. Antonius had attempted to seize Illyricum; and he adds that 'Illyricum' would be properly mentioned after Epirus, but Oricus would not, for a province (Epirus) would be confounded among towns. If C. Antonius held Apollonia, which is north of the river Aous, he was on the borders of Epirus, and the next thing would be to make an attempt on Oricus, which is south of the Aous. If the river Drilo was the southern boundary of Illyricum, the mention of Illyricum is out of place here, for Antonius was threatening Epirus, and therefore Oricus is more appropriately mentioned here than Illyricum. But the real southern boundary of Illyricum is a difficulty. Ptolemy (iii. 14, § 2) places Oricus in that part of the Epirus which he calls Chaonia. Amantia was also south of the Aous. Cicero has not kept to any strict propriety in enumerating these places.

habet aliquot cohortes] "Septem, ut opinor" (Manutius), Phil. x. 6.—'morari Antonium:' C. Antonius. Cicero expresses his wonder that C. Antonius lingers so long and does not cross over to Brundisium; for 'he is accustomed himself to take the sleeves,' which is explained 'to put on his manicae or arm coverings,' and to move on, or to get out of his enemy's way, and not to stand the danger of a siege.

Quod si confecerit] Lambinus suggested that 'bellum' should be added after 'confecerit.' Halm suggests 'Quem si confecerit.'

summi viri] Faernus says that either 'summi' is superfluous, which however he does not believe, or we must read 'summa,' or for 'tales' we must read 'tali,' or finally, that there is some other fault. Halm ingeniously suggests that 'summiuiri' is a corruption of 'cum imperio' (imp.). The words 'quum essent' &c.

rum alterius jam nobis notus est exercitus, alterius auditus. XII. Num igitur Brutus exspectavit decreta nostra, quum studia nosset? Neque enim est in provinciam suam Cretam profectus; in Macedoniam alienam advolavit; omnia sua putavit quae vos vestra esse velitis; legiones conscripsit novas, excepit veteres; equitatum ad se abduxit Dolabellae, atque eum nondum tanto parricidio oblitum hostem sua sententia judicavit. Nam ni ita esset, quo jure equitatum a consule abduceret? Quid C. Cassius, pari magnitudine animi et consilii praeditus, nonne eo ex Italia consilio profectus est ut prohiberet Syria Dolabellam? Qua lege, quo jure? Eo quod Juppiter ipse sanxit, ut omnia quae rei publicae salutaria essent legitima et justa haberentur. Est enim lex nihil aliud nisi

appear to be loosely connected with what precedes. It seems as if Cicero felt a difficulty in expressing what he had to say: 'he should consider it equivalent to a decree, that there should be such men as Brutus and Cassius, each with an army, one of them near, and the other distant, but following Dolabella.'

notus] M. Brutus' army, which was near Italy. 'Auditus' the army of C. Cassius, who was in Syria (Manutius).

12. *expectavit . . . nosset*] "Libentius legerem cum manuscripto meo codice, *expectabit et noscet*" (F. Ursini). In place of 'Num ... nosset?' some editions have 'Non . . . nosset.' Halm says that i has 'Non,'

suam Cretam] See Introd. p. 456.—'Macedoniam alienam:' the province of Hortensius, says Manutius; who does not think that 'alienam' means that Macedonia had become C. Antonius' province by virtue of the 'sortitio' made in the consulship of M. Antonius (Phil. iii. c. 10: 'C. Antonius Macedoniam'), for the province was afterwards taken from him (Phil. x. c. 6): "aut certe homo verecundus in Macedoniam non accedit ne contra S.C. fecisse videatur."

velitis] 'velletis' g i.—'oblitum:' "*obstrictum* doctus nescio quis ut est §§ 14 et 29 (c. 6, and c. 12)" (Halm). 'Parricidio' is Dolabella's murder. See Vol. i. Index, 'Parricidium.'

Quid C. Cassius, ... nonne] 'Quid C. Cassius, . . . nonne' &c. Objections have been made to the pointing in the text, and others object to the pointing 'Quid? C. Cassius,' &c. See Index, Vol. i., 'Quid.' It is admitted on both sides that 'Quid' is interrogative. The sentence begins 'Quid C. Cassius,' where one may easily supply, if he likes, 'fecit.' But the sentence is not completed, and it begins again with 'nonne.' 'Quid' in such sentences is an imperfect interrogation. If a note of interrogation is to be used, I think that it is more appropriate to place it after 'C. Cassius,' or after 'praeditus.'

essent . . . haberentur] Bake, in his edition of Cicero De Legibus, p. 478, corrects the passage thus: 'sunt . . . habentur,' which Halm rightly rejects, observing that the words depend on 'profectus est.' As to 'sanxit,' see Vol. i. Index, 'Sanctio legis.'

Est enim lex nihil aliud] He uses Lex in a wide sense, for Law generally. It is a definition which suits Cicero's purpose. A Law commands either to do or to forbear, but such a command can only come from a sovereign power, and it is still a Lex whether it is good or bad, as we know by daily experience. Cassius' Lex however is what Cicero calls 'lex naturae,' which in some cases supersedes 'leges scriptae,' or Laws properly so called. His 'lex naturae' is the so-called law of self-preservation.

This matter of Lex is discussed by Cicero in the De Legibus ii. c. 4, and he concludes thus, c. 5: "Ergo est lex justorum injustorumque distinctio, ad illam antiquissimam et rerum omnium principem expressa naturam, ad quam leges hominum diriguntur, quae supplicio improbos afficiunt, defendunt ac tuentur bonos." Cicero knew what a Lex was, but when he writes as a philosopher he does not express himself with the accuracy of a jurist. He confounds a Lex or general rule made and enforced by the sovereign power with those principles by which we estimate the goodness or badness of the rule; for the nature of a rule of law is quite distinct from its usefulness or unusefulness, its goodness or its badness. There are indeed rules of law which are neither good nor bad. Such

recta et a numine deorum tracta ratio, imperans honesta, prohibens contraria. Huic igitur legi paruit Cassius, quum est in Syriam profectus, alienam provinciam, si homines legibus scriptis uterentur, iis vero oppressis suam lege naturae. Sed ut ea vestra quoque auctoritate firmetur censeo: Quum P. Dolabella quique ejus crudelissimi et taeterrimi facinoris ministri, socii, adjutores fuerunt, hostes populi Romani a senatu judicati sint, quumque senatus P. Dolabellam bello persequendum censuerit, ut is qui omnia deorum hominumque jura novo, inaudito, inexpiabili scelere polluerit, nefarioque se patriae parricidio obstrinxerit, poenas diis hominibusque meritas debitasque persolvat, senatui placere C. Cassium pro consule provinciam Syriam obtinere, ut qui optimo jure eam provinciam obtinuerit, eumque a Q. Marcio Crispo pro consule, L. Statio Murco pro consule, A. Allieno legato exercitum accipere, eosque ei tradere, cumque his copiis et si quas praeterea paraverit bello P. Dolabellam terra marique persequi; ejus belli gerendi caussa, quibus ei videatur, naves, nautas, pecuniam, ceteraque quae ad id bellum gerendum pertineant, ut imperandi in Syria, Asia, Bithynia, Ponto jus potestatemque habeat, utique, quamcumque in provinciam ejus belli gerendi caussa advenerit, ibi majus imperium C. Cassii pro consule sit quam ejus erit qui eam provinciam tum obtinebit, quum C. Cassius pro consule in eam provinciam venerit; regem Deiotarum patrem, et regem Deiotarum filium, si, ut multis bellis saepenumero imperium populi Romani juverint, item C. Cassium pro consule copiis suis opibusque juvissent, senatui populoque

rules determine some things which must be determined or fixed, and it is often a matter of indifference what the rule is, though it is not a matter of indifference but of necessity that there should be a rule.

firmetur] 'firmentur' Bake, followed by Halm; "quoniam," says Bake, "pronom. non ad provinciam, sed ad omnia Cassii consilia refertur." But Bake is mistaken.

optimo jure] See Vol. i. Index.

Q. Marcio Crispo] Statius Murcus is mentioned by Appian (B.C. iv. 58), who says that Marcius Crispus came from Bithynia with three legions to help Statius Murcus in Syria against Bassus. On the arrival of Cassius (c. 59), Bassus' army came over to him, and he took the armies of Murcus and Crispus, who voluntarily gave them up and in obedience to the decree of the senate. Allienus was sent by Dolabella into Egypt for troops, and he brought four legions into Palestine, which legions Cassius compelled Allienus to surrender. These events of course belong to a somewhat later time than the date of this oration. Compare the letter of Cassius procos. to Cicero (Ad Div. xii. 11): "In Syriam me profectum esse scito ad L. Murcum et Q. Crispum imperatores. Viri fortes optimique cives posteaquam audierunt quae Romae gererentur exercitus mihi tradiderunt, ipsique mecum una fortissimo animo rem publicam administrant. Item legionem quam Q. Caecilius Bassus habuit ad me venisse scito: quatuorque legiones quas A. Allienus ex Aegypto eduxit traditas ab eo mihi esse scito." This letter was written B.C. 43, 'Nonis Martiis ex castris Tarichaeis.' Cassius wrote again to Cicero 'Nonis Maiis ex castris' (Ad Div. xii. 12), and spoke of the letter which he had written 'Nonis Martiis.' See also Dion Cassius 47, c. 26, &c.

Deiotarum patrem] The old man was still alive. See the oration Pro Deiotaro, and the Introduction to it.

Romano gratum esse facturos; itemque si ceteri reges, tetrarchae dynastaeque fecissent, senatum populumque Romanum eorum officii non immemorem futurum; utique C. Pansa A. Hirtius consules, alter ambove, si eis videretur, re publica recuperata de provinciis consularibus, praetoriis, ad hunc ordinem primo quoque tempore referant; interea provinciae ab iis a quibus obtinentur obtineantur, quoad cuique ex senatusconsulto successum sit.

XIII. Hoc senatusconsulto ardentem inflammabitis et armatum armabitis Cassium; nec enim animum ejus potestis ignorare nec copias. Animus is est quem videtis; copiae quas audistis fortis et constantis viri, qui ne vivo quidem Trebonio Dolabellae latrocinium in Syriam penetrare sivisset. Allienus familiaris et necessarius meus post interitum Trebonii profectus ne dici quidem se legatum Dolabellae volet. Est Q. Caecilii Bassi, privati illius quidem, sed fortis et praeclari viri, robustus et victor exercitus. Deiotari regis et patris et filii et magnus et nostro more institutus exercitus; summa in filio spes, summa ingenii indoles, summaque virtus. Quid de patre dicam? cujus benevolentia in populum Romanum est ipsius aequalis aetati; qui non solum socius imperatorum nostrorum fuit in bellis, verum etiam dux copiarum suarum. Quae de illo viro Sulla, quae Murena, quae Servilius, quae Lucullus, quam ornate, quam honorifice, quam graviter saepe in senatu praedicaverunt? Quid de Cn. Pompeio loquar? qui unum Deiotarum in toto orbe terrarum ex animo amicum vereque benevolum, unum fidelem populo Romano judicavit. Fuimus imperatores ego et M. Bibulus in propinquis finitimisque provinciis. Ab eodem rege

re publica recuperata] After M. Antonius should be defeated.

13. *quem videtis*] Ferrarius proposes 'quem vidistis,' and Faernus and Lambinus approve of the alteration. 'Quem vidistis' refers, as they understand it, to the spirit which Cassius showed on the Ides of March. Manutius explains the text: 'qui nullis instructus copiis eo tamen ex Italia profectus consilio sit ut prohiberet Syria Dolabellam.' Compare c. 12: "Quid C. Cassius," &c.

Allienus . . . necessarius] A. Allienus was a Legatus of Q. Cicero in Asia. He was praetor in B.C. 49 (Ad Att. x. 15), and propraetor of Sicily in B.C. 48. Orelli quotes Eckhel for a medal which refers to Allienus' proconsulship: C. CAES. IMP. COS. ITER—A. ALLIENVS. PROCOS. Caesar was Cos. iter. in B.C. 48. Allienus was also propraetor of Sicily in B.C. 47, 46 (De Bello Africano, c. 2), and he may have had the title of proconsul. There are two short letters of Cicero to Allienus (Ad Div. xiii. 78, 79), written in B.C. 46, when Allienus was in Sicily.

profectus ne] 'profecto ne' Gul. Christ, and Halm.—'Bassi:' see Pro Deiotaro, c. 8, and the note.—'Deiotari:' see the Introd. to the oration Pro Deiotaro.—'nostro more institutus:' 'trained after Roman fashion.' There is 'instructus' in some printed books. The Introduction to the oration Pro Deiotaro and the notes contain all that is necessary for the explanation of what is said of Deiotarus in this chapter.

ego et M. Bibulus] Cicero in Cilicia B.C. 51 and M. Calpurnius Bibulus in Syria. As to Cicero's connexion with Deiotarus during his Cilician proconsulship, see the oration Pro Deiotaro. Drumann observes (Geschichte Roms, ii. 97, note 62) that Caesar (B. C. iii. 5), Cicero (In Vatin. c. 9), and Suetonius (Caesar, c. 19) name

adjuti sumus et equitatu et pedestribus copiis. Secutum est hoc acerbissimum et calamitosissimum civile bellum, in quo quid faciendum Deiotaro, quid omnino rectius fuerit, dicere non est necesse, praesertim quum contra ac Deiotarus sensit victoria belli judicarit. Quo in bello si fuit error, communis ei fuit cum senatu; sin recta sententia, ne victa quidem caussa vituperanda est. Ad has copias accedent alii reges, etiam delectus accedent. Neque vero classes deerunt; tanti Tyrii Cassium faciunt, tanti ejus in Syria nomen atque Phoenice est. XIV. Paratum habet imperatorem C. Cassium, patres conscripti, res publica contra Dolabellam, nec paratum solum, sed peritum atque fortem. Magnas ille res gessit ante Bibuli summi viri adventum, quum Pacori nobilissimi ducis magnas copias fudit, Syriamque immani Parthorum impetu liberavit. Maximam ejus et singularem laudem praetermitto; cujus enim praedicatio nondum omnibus grata est, hanc memoriae potius quam vocis testimonio conservemus. Animadverti, patres conscripti, dici jam a quibusdam exornari etiam nimium a me Brutum, [nimium Cassium] ornari, Cassio vero sententia mea dominatum et principatum dari. Quos ego orno? Nempe eos qui ipsi sunt ornamenta rei publicae. Quid D. Brutum, nonne omnibus sententiis semper ornavi? Num igitur reprehenditis? An Antonios potius ornarem, non modo suarum familiarum, sed Romani nominis probra atque dedecora? an Censorinum ornem, in bello hostem, in pace sectorem? An cetera ex eodem latrocinio naufragia colligam! Ego vero istos otii, concordiae, legum, judiciorum, libertatis inimicos tantum abest ut ornem ut effici non possit quin eos tam oderim quam rem publicam diligo. Vide, inquit, ne veteranos offendas: hoc

him M. Bibulus; and it is an error when Seneca (Consolatio ad Marciam, c. 14), Eutropius (vi. 17), Orosius (vi. 7), and Appian (Syriac. c. 51, and elsewhere) name him Lucius, as he is also called in some modern compilations.

classes] There is a letter of C. Cassius quaestor to Cicero (Ad Div. xii. 13) B.C. 43, and written from Cyprus in June. Cassius' fleet was then blockading Laodicea on the coast of Syria, where Dolabella was shut up ('Cassii classis bene magna').—'tanti ejus:' 'tantum ejus,' Ferrarius, Halm.

14. *ante Bibuli*] Cassius was the quaestor of M. Crassus in Syria, and when Crassus perished in his expedition into Mesopotamia (B.C. 53), Cassius repelled the Parthians from Syria.

quum Pacori . . . magnas copias] The reading of the Vetus liber of Ursini. D has 'quum Parthorum nobilissimos duces maximas;' but there seems to be some mistake in 'Parthorum,' for the word occurs immediately afterwards.

singularem laudem] Caesar's murder. When he says 'nondum omnibus grata est,' he admits that everybody was not so pleased with it as himself. He might be also thinking of young Caesar when he said this.

dici jam a quibusdam exornari] Orelli with Naugerius. Halm writes 'patres conscripti, exaudiri etiam,' and he tells us to compare 'exaudio' in this chapter. But 'Animadverti . . . exaudiri' is a different thing.

[*nimium Cassium*]] Inclosed in [ ] by Halm, 'duce t.'

sectorem] See Index, Vol. ii.—'exaudio:' see Index, Vol. iii.

enim vel maxime exaudio. Ego autem veteranos tueri debeo, sed hos quibus sanitas est: certe timere non debeo. Eos veteranos, qui pro re publica arma ceperunt secutique sunt C. Caesarem, auctoritate beneficiorum paternorum, hodieque rem publicam defendunt cum magno periculo, non tueri solum, sed etiam commodis augere debeo. Qui autem quiescunt, ut septima, ut octava legio, in magna gloria et laude ponendos puto. Comites vero Antonii, qui, postquam beneficia Caesaris comederunt, consulem designatum obsident, huic urbi ferro ignique minitantur, Saxae se et Cafoni tradiderunt ad facinus praedamque natis, num quis est qui tuendos putet? Ergo aut boni sunt quos etiam ornare, aut quieti quos conservare debemus, aut impii quorum contra furorem et bellum et justa arma cepimus. XV. Quorum igitur veteranorum animos ne offendamus veremur? Eorumne qui D. Brutum obsidione cupiunt liberare? quibus quum Bruti salus cara sit, qui possunt Cassii nomen odisse? An eorum qui utrisque armis vacant? Non vereor ne acerbus civis quisquam istorum sit, qui otio delectantur. Tertio vero generi non militum veteranorum, sed importunissimorum hostium, cupio quam acerbissimum dolorem inurere. Quamquam, patres conscripti, quousque dicemus sententias veteranorum arbi-

Ego autem veteranos] Faernus says that he had a Liber scriptus in which 'vero' is read in place of 'autem;' and this, he remarks, is more consistent with the usage of an affirmative assertion, while the word 'autem' is rather used to express opposition. This is true; but it seems that the word 'autem' expresses opposition: 'Vide . . . ne veteranos offendas,' to which corresponds 'Ego autem veteranos tueri debeo.'

sed hos . . . debeo] The pointing and the reading are both doubtful. Halm has '†sed eos, quibus sanitas est, certe timere non debeo.'

auctoritate] 'auctorem' t, 'auctore' b. Halm has 'auctorem.' I don't see how Caesar is called 'auctorem beneficiorum paternorum,' unless it means that he confirmed or promised to confirm what the Dictator had given, if confirmation was necessary. But the senate and Brutus and Cassius had promised this (Introd. p. 453). He says, Phil. xiv. c. 10: "militibus iis qui Caesaris beneficia servassent senatus populique Romani carum nomen esse." The word 'paternorum' however seems to support the reading 'auctorem.'

cum magno periculo] 'video epericulo' t, 'magno periculo' b g, 'cum magno periculo' a i. Halm has 'vitae suae periculo.'

septima] "vii. (*septima* i) D i. *sexta* Orelli cum aliquot codd. Ferrarii" (Halm), who has 'septima,' and refers to Phil. xiv. c. 10.

beneficia . . . comederunt] These were the men who had wasted what Caesar had given them, as Sulla's old soldiers had done before. They are opposed to those 'qui Caesaris beneficia conservarant' (Phil. xiv. c. 10). Compare Phil. xiii. c. 2: "beneficiis Caesaris devoratis fortunas nostras concupiverunt."

ferro ignique] 'ferrum ignemque,' Lambinus from the conjecture of Ferrarius, who says that usage requires the accusative "nisi forte de eo loqueremur, qui gladium ignem quidve ejusmodi tenens, id alicui intentaret; tum enim recte per sextum casum efferremus, ut illud Sallustii, Egredienti ex senatu Caesari gladio minitarentur: et illud alterum, Et minari interdum ferro, nisi obnoxia foret. Hoc autem ab illo maxime diversum est."

cepimus] D, Halm, 'suscepimus' i Orelli. "Rectum est *cepimus*. Et sic sane jam ediderunt olim Manutius, Faernus, Muretus et Lambinus" (Graevius).

15. *qui utrisque armis vacant*] Those who had joined neither M. Antonius nor the senatorial side.—'deligamus:' g i, 'diligamus' a b t Halm. The MSS. disagree continually in this word.

tratu? Quod eorum tantum fastidium est, quae tanta arrogantia, ut ad arbitrium illorum imperatores etiam deligamus? Ego autem, dicendum est enim, patres conscripti, quod sentio, non tam veteranos intuendos nobis arbitror, quam quid tirones milites, flos Italiae, quid novae legiones ad liberandam patriam paratissimae, quid cuncta Italia de vestra gravitate sentiat. Nihil enim semper floret; aetas succedit aetati; diu legiones Caesaris viguerunt; nunc vigent Pansae, vigent Hirtii, vigent Caesaris filii, vigent Planci: vincunt numero, vincunt aetatibus: nimirum etiam auctoritate vincunt, id enim bellum gerunt, quod ab omnibus gentibus comprobatur. Itaque his praemia promissa sunt, illis persoluta. Fruantur illi suis, persolvantur his quae spopondimus; id enim deos immortales spero aequissimum judicare. Quae quum ita sint, eam quam dixi sententiam vobis, patres conscripti, censeo comprobandam.

illi suis] "*illi suis* ed. Seb. Gryphii (1550)" (Halm): t has 'illisues,' which is 'illi suis,' 'his illi' Ferrarius.

INTRODUCTION TO THE TWELFTH PHILIPPIC.

The consul Pansa had moved that another Legatio should be sent to M. Antonius, and P. Servilius and Cicero had been named among the Legati (c. 7). Cicero in this speech now contends that there is no use in sending another Legatio, and that it was not proper for him to be one of the Legati. His life, he says, would not be safe; and it would be more for the interest of the state that he should not be exposed to this danger. At the end of the speech he seems to say that he will consent to go (c. 12), but he does not speak very plain, and the last sentence leaves his resolution uncertain. Dion (46, c. 32) says that some of the partizans of Antonius persuaded the senate to send other Legati to Antonius, and Cicero among them; on the pretext that Cicero would persuade Antonius to come to terms, but in truth that they might be rid of him. Cicero having considered about this was afraid, and would not venture to trust himself within the camp of Antonius, and accordingly none of the Legati set out. This is what Dion says of the matter.

ORATIONUM PHILIPPICARUM

LIBER DUODECIMUS.

I. Etsi minime decere videtur, patres conscripti, falli, decipi errare eum, cui vos maximis saepe de rebus assentiebamini, consolor me tamen, quoniam vobiscum pariter et una cum sapientissimo consule erravi. Nam quum duo consulares spem honestae pacis nobis attulissent, quod erant familiares M. Antonii, quod domestici, nosse aliquod ejus vulnus quod nobis ignotum esset videbantur. Apud alterum uxor, liberi; alter quotidie litteras mittere, accipere, aperte favere Antonio. Hi subito hortari ad pacem, quod jamdiu non fecissent, non sine caussa videbantur. Accessit consul hortator. At qui consul? Si prudentiam quaerimus, qui minime falli posset: si virtutem, qui nullam pacem probaret nisi [Antonio] concedente atque victo; si magnitudinem animi, qui praeferret mortem servituti. Vos autem, patres conscripti, non tam immemores vestrorum gravissimorum decretorum videbamini, quam, spe allata deditionis quam amici pacem appellarent, de imponendis, non [de] accipiendis legibus cogitare. Auxerat autem meam quidem spem, credo item vestram, quod domum Antonii afflictam maestitia audiebam, lamen-

1. *assentiebamini*] t, 'assentiamini' a b g i.—'duo consulares:' Piso and Calenus Legati, says Manutius. Cicero alludes to Piso and Calenus, but not to them as Legati.—'aliquod ejus vulnus:' something about Antonius, which induced him to be willing to come to terms with the senate; some act of his own, I suppose, or something which had happened to him not for his virtue. See Verr. ii. 5, c. 46: "qui te existimares avaritiae vulnera crudelitatis remediis posse sanare."—'apud alterum:' he means Calenus.

concedente] t Halm, 'concedenti' b, 'cedente' a g, 'Antonio cedente' i.

quam amici pacem appellarent] Scal., as Ferrarius says, wrote 'quam . . . appellare mallent,' and Halm has this. But the MSS. which are quoted have 'alieni' after 'appellarent,' and i has 'appellarent c. alieni.' The old commentators have laboured much at this passage, and we must conclude that it cannot be restored with certainty. If 'alieni' is genuine it is opposed to 'amici,' and some word is omitted. Ursini proposes 'quam amici pacem appellarent, fallaciam alieni;' but we cannot venture to accept this.

tari uxorem. Hic etiam fautores Antonii, quorum in vultu habitant oculi mei, tristiores videbam. Quod si non ita est, cur a Pisone et Caleno potissimum, cur hoc tempore, cur tam improviso, cur tam repente pacis est facta mentio? Negat Piso scire se, negat audisse quidquam: negat Calenus rem ullam novam allatam esse. Atque id nunc negant, posteaquam nos pacificatoria legatione implicatos putant. Quid ergo opus est novo consilio, si in re nihil omnino novi est? II. Decepti, decepti, inquam, sumus, patres conscripti: Antonii est acta caussa ab amicis ejus, non publica. Quod videbam equidem, sed quasi per caliginem: praestrinxerat aciem animi D. Bruti salus. Quod si in bello dari vicarii solerent, libenter me ut D. Brutus emitteretur pro illo includi paterer. Atque hac voce Q. Fufii capti sumus: 'ne si a Mutina quidem recesserit, audiemus Antonium? ne si in senatus quidem potestate futurum se dixerit?' Durum videbatur; itaque fracti sumus, cessimus. Recedit igitur a Mutina? 'Nescio.' Paret senatui? 'Credo,' inquit Calenus, 'sed ita ut teneat dignitatem.' Valde hercule vobis laborandum est, patres conscripti, ut vestram dignitatem amittatis, quae maxima est, Antonii, quae neque est ulla neque esse potest, retineatis, ut eam per vos recuperet quam per se perdidit. Si jacens vobiscum aliquid ageret, audirem fortasse, quamquam—sed hoc malo dicere, audirem. Stanti resistendum est, aut concedenda una cum dignitate libertas. At non est integrum: constituta legatio est. Quid autem non integrum est sapienti, quod restitui potest? Cujusvis hominis est errare; nullius nisi insipientis in errore perseverare; posteriores enim cogitationes, ut aiunt, sapientiores solent esse. Discussa est illa caligo quam paullo ante dixi: diluxit, patet, videmus omnia, neque per nos solum, sed admonemur a nostris. Attendistis paullo ante praestantissimi viri quae esset oratio. Maestam, inquit, domum offendi, conjugem, liberos. Admirabantur boni viri, accusabant amici, quod spe pacis legationem suscepissem. Nec mirum, P. Servili. Tuis enim verissimis gravissimisque sententiis omni

Hic etiam] In the senate.—'quorum in vultu:' "quos perpetuo intueor, a quorum vultu oculos nusquam dimoveo. Ita solent qui aliquem amant aut timent aut reverentur" (Caelius Secundus).

2. *vicarii*] See Pro Murena, c. 37, and the note.

in . . . potestate futurum] i. D has 'potestatem.' "Vix credi potest Ciceronem scripsisse h. l. *in potestatem*; nam in Phil. iii. quoque § 8 (c. 4), D habent *retenturum in potestatem*, sed V *in potestate*, ut item V in or. vi. § 4 (c. 2) et x. § 25 (c. 11)" (Halm). See Verr. ii. 2, c. 37, note on 'in istius . . . essent potestate.'

At non est integrum] A usual form, which often occurs in Cicero: 'But it will be said we are not at liberty to act as we please:' the Legatio is settled.

ut aiunt] A proverbial expression, which we find in Euripides' Hippolytus:

αἱ δεύτεραί πως φροντίδες σοφώτεραι.

verissimis] i D, 'severissimis' Guliel-

est non dico dignitate, sed etiam spe salutis spoliatus Antonius. Ad eum te ire legatum quis non miraretur? De me experior, cujus idem consilium quod tuum sentio quam reprehendatur. Nos reprehendimur soli? Quid, vir fortissimus Pansa sine caussa tam accurate paullo ante locutus est tamdiu? Quid egit nisi uti falsam proditionis a se suspicionem depelleret? Unde autem ista suspicio est? Ex pacis patrocinio repentino, quod subito suscepit eodem captus errore quo nos.

III. Quod si est erratum, patres conscripti, spe falsa atque fallaci, redeamus in viam. Optimus est portus poenitenti mutatio consilii. Quid enim potest, per deos immortales, rei publicae prodesse nostra legatio? Prodesse dico? Quid, si etiam obfutura est? Obfutura? Quid, si jam nocuit atque obfuit? An vos acerrimam illam et fortissimam populi Romani libertatis recuperandae cupiditatem non imminutam ac debilitatam putatis legatione pacis audita? Quid municipia censetis, quid colonias, quid cunctam Italiam, futuram eodem studio quo contra commune incendium exarserat? An non putamus fore ut eos poeniteat professos esse et prae se tulisse odium in Antonium, qui pecunias polliciti sunt, qui arma, qui se totos et animis et corporibus in salutem rei publicae contulerunt? Quem ad modum vestrum hoc consilium Capua probabit, quae temporibus his Roma altera est? Illa impios cives judicavit, ejecit, exclusit. Illi, illi, inquam, urbi fortissime conanti e manibus est ereptus Antonius. Quid legionum nostrarum nervos, nonne his consiliis incidimus? Quis est enim qui ad bellum inflammato animo futurus sit spe pacis oblata? Ipsa illa Martia caelestis et divina legio hoc nuntio languescet et mollietur atque illud pulcherrimum Martium nomen amittet: excident gladii, fluent arma de manibus. Senatum enim secuta non arbitrabitur se graviore odio in Antonium esse debere quam senatum. Pudet hujus legionis, pudet Quartae, quae pari virtute nostram auctoritatem probans, non ut consulem et imperatorem suum, sed ut hostem et oppugnatorem patriae reliquit Antonium; pudet optimi exercitus, qui conjunctus est ex duobus; qui jam lustratus, qui profectus ad Mutinam est; qui si pacis, id est, timoris nostri nomen audiverit, ut non referat pedem.

mius, Halm. The expression 'severam, gravem . . . sententiam' occurs Phil. xi. 6. The correction may be right.

3. *ereptus Antonius*] See Phil. ii. c. 39: "Quemadmodum illinc abieris, vel potius paene non abieris scimus.'

Pudet hujus legionis] 'We feel ashamed before this legion;' 'ashamed of this legion' would express what Cicero does not mean. See Verr. ii. 5, c. 52, and the note.—'ex duobus:' the armies of Caesar and Hirtius. The army was 'lustratus;' the religious ceremony of 'lustratio' had been done.

insistet certe. Quid enim revocante et receptui canente senatu properet dimicare? IV. Quid autem hoc injustius quam nos inscientibus iis qui bellum gerunt de pace decernere, nec solum inscientibus, sed etiam invitis? An vos A. Hirtium, praeclarissimum consulem, C. Caesarem, deorum beneficio natum ad haec tempora, quorum epistolas spem victoriae declarantes in manu teneo, pacem velle censetis? Vincere illi expetunt, pacisque dulcissimum et pulcherrimum nomen non pactione, sed victoria concupiverunt. Quid Galliam, quo tandem animo hanc rem audituram putatis? Illa enim hujus belli propulsandi, administrandi, sustinendi principatum tenet. Gallia D. Bruti nutum ipsum, ne dicam imperium, secuta armis, viris, pecunia, belli principia firmavit; eadem crudelitati M. Antonii suum totum corpus objecit; exhauritur, vastatur, uritur; omnes aequo animo belli patitur injurias, dummodo repellat periculum servitutis. Et ut omittam reliquas partes Galliae, nam sunt omnes pares, Patavini alios excluserunt, alios ejecerunt missos ab Antonio: pecunia, militibus, et, quod maxime deerat, armis, nostros duces adjuverunt. Fecerunt idem reliqui, qui quondam in eadem caussa erant et propter multorum annorum injurias alienati a senatu putabantur, quos minime mirum est communicata cum iis re publica fideles esse, qui etiam expertes ejus fidem suam semper praestiterunt. His igitur omnibus victoriam sperantibus pacis nomen afferemus, id est, desperationem victoriae?

V. Quid, si ne potest quidem ulla esse pax? Quae enim est conditio pacis, in qua ei cum quo pacem facias nihil concedi potest? Multis rebus a nobis ad pacem invitatus Antonius bellum tamen maluit. Missi legati repugnante me, sed tamen missi. Delata mandata: non paruit. Denuntiatum est ne Brutum obsideret, a Mutina discederet: oppugnavit etiam vehementius. Et ad eum

insistet] Gulielmius proposed 'sistet;' which is the common form.—'Quis enim' i. 4. *in manu teneo*] Here we have evidence that Cicero's friendly correspondence with young Caesar continued during the siege of Mutina; and yet before the end of the year Cicero was murdered, and Caesar consented to the crime.

qui quondam in eadem caussa] Who were once all hostile to Rome, and with good reason. Gallia Cisalpina suffered greatly from the Romans for a long time (multorum annorum injurias) until it was subdued, and finally received the Roman Civitas (communicata re publica). It is probable, for there is no direct evidence, that Gallia Cispadana received the Roman Civitas in the year B.C. 89, the same year in which Gallia Transpadana received the Latinitas, or Jus Latii. The Transpadani are said to have received the Civitas Romana in B.C. 49 (Dion Cassius 41, c. 36). It was given by Caesar during his first short dictatorship. Gallia Transpadana had helped him in his Gallic wars, and it made great rejoicings in B.C. 51 for Caesar's Gallic victories (B. G. viii. c. 51).

As to 'communicata,' see Pro P. Quintio, c. 4, and the note, Vol. ii. The Cisalpini Galli were admitted into the community of the Roman state as citizens.

legatos de pace mittemus, qui pacis nuntios repudiavit? Verecundioremne coram putamus in postulando fore quam fuerit tum, quum misit mandata ad senatum? Atqui tum ea petebat quae videbantur improba omnino, sed tamen aliquo modo posse concedi; nondum erat vestris tam gravibus tamque multis judiciis ignominiisque concisus: nunc ea petit quae dare nullo modo possumus, nisi prius volumus nos bello victos confiteri. Senatusconsulta falsa delata ab eo judicavimus: num ea vera possumus judicare? Leges statuimus per vim et contra auspicia latas, iisque nec populum nec plebem teneri: num eas restitui posse censetis? Sestertium septies millies avertisse Antonium pecuniae publicae judicavistis: num fraude poterit carere peculatus? Immunitates ab eo civitatibus, sacerdotia, regna venierunt: num figentur rursus eae tabulae, quas vos decretis vestris refixistis? VI. Quod si ea quae decrevimus obruere, num etiam memoriam rerum delere possumus? Quando enim obliviscetur ulla posteritas, cujus scelere in hac vestitus foeditate fuerimus? Ut centurionum legionis Martiae Brundisii profusus sanguis eluatur, num elui praedicatio crudelitatis potest? Ut media praeteream, quae vetustas tollet operum circa Mutinam taetra monumenta, sceleris indicia latrociniique vestigia? Huic igitur importuno atque impuro parricidae quid habemus, per deos immortales, quod remittamus? An Galliam ultimam et exercitum? quid est aliud non pacem facere, sed differre bellum? nec solum propagare bellum, sed concedere etiam victoriam? An ille non vicerit, si quacumque conditione in hanc urbem cum suis venerit? Armis nunc omnia tenemus: auctoritate valemus plurimum: absunt tot perditi cives nefarium secuti ducem; tamen eorum ora sermonesque qui in urbe ex eo numero relicti sunt ferre non possumus. Quid censetis, quum tot uno tempore irruperint, nos arma posuerimus, illi non deposuerint, nonne nos nostris consiliis victos

5. *tam gravibus*] b[1], 'gravissimis' b corr. a g t i. Graevius refers to two passages in which 'tam' is used with a superlative, but Halm says that both these passages have been corrected from better MSS.; and he adds that the passage in Tacitus (Ann. i. c. 53), "nec alia tam intima Tiberio caussa," is not like this.

Senatusconsulta falsa] All these charges have been made before.—'avertisse:' see Phil. v. c. 4; and as to 'peculatus,' see Index, Vol. i. 'Peculatus.'—'civitatibus:' V, 'civitates' D.—'figentur . . . tabulae:' the bronze tablets, 'aera legum.'

6. *obruere*] 'obruere volumus' V[2] (m. 2) and D. Faernus objects to 'volumus' that the question is not now whether the senate wish, but whether they *can*.—'in hac vestitus foeditate:' they were wearing the 'sagum.' See c. 7: "idcircone saga sumpsimus?"

Brundisii profusus sanguis] See Phil. iii. c. 12.—'operum . . . monumenta:' the memorials of the works raised for the siege of Mutina. D has 'munimenta.'

quid est aliud] It appears from Ferrarius' note that some editions add 'quam' after 'aliud.' See Phil. x. c. 2.—'si quacunque:' V, 'si' om. D.—'deposuerint:' there is a reading 'posuerint.'

in perpetuum fore? Ponite ante oculos M. Antonium consularem; sperantem consulatum Lucium adjungite; supplete ceteros neque nostri ordinis solum honores et imperia meditantes; nolite ne Tirones quidem, Numisios, Mustelas, Seios contemnere. Cum his facta pax non erit pax, sed pactio servitutis. L. Pisonis amplissimi viri praeclara vox a te non solum in hoc ordine, Pansa, sed etiam in contione jure laudata est. Excessurum se ex Italia dixit, deos penates et sedes patrias relicturum, si, quod dii omen averterint, rem publicam oppressisset Antonius. VII. Quaero igitur a te, L. Piso, nonne oppressam rem publicam putes, si tot, tam impii, tam audaces, tam facinorosi recepti sint? Quos nondum tantis parricidiis contaminatos vix ferebamus, hos nunc omni scelere coopertos tolerabiles censes civitati fore? Aut isto tuo, mihi crede, consilio erit utendum, ut cedamus, abeamus, vitam inopem et vagam persequamur, aut cervices latronibus dandae atque in patria cadendum est. Ubi sunt, C. Pansa, illae cohortationes pulcherrimae tuae, quibus a te excitatus senatus, inflammatus populus Romanus, non solum audivit, sed etiam didicit nihil esse homini Romano foedius servitute? Idcircone saga sumpsimus, arma cepimus, juventutem omnem ex tota Italia excussimus, ut exercitu florentissimo et maximo legati ad pacem mitterentur? si accipiendam, cur non rogamur? si postulandam, quid timemus? In hac ego legatione sim aut ad id consilium admiscear, in quo ne si dissensero quidem a ceteris sciturus populus Romanus sit? Ita fiet ut si quid remissum aut concessum sit, meo semper periculo peccet Antonius, quum ei peccandi potestas a me concessa videatur.

Quod si habenda cum M Antonii latrocinio pacis ratio fuit, mea tamen persona ad istam pacem conciliandam minime fuit deligenda. Ego numquam legatos mittendos censui: ego ante reditum legatorum ausus sum dicere, Pacem ipsam si afferrent, quoniam sub nomine pacis bellum lateret, repudiandam: ego princeps sagorum:

cum his] 'cum iis' t Halm, 'cum is' V, 'cum his' a b g.—'pax . . . pactio:' he uses 'pax' and 'pactio' partly because of the similarity of meaning, for 'pac' is the root of both; and partly for the alliteration, which he often affects. As to 'pactio,' see Vol. i. Index, 'Pactio.'

averterint] 'averterit' V, 'avertent' t, 'averterent' a b g; "forte recte, ut sint Pisonis verba; nam alias *avertant* in hac formula dicitur, ut Or. iii. § 35 (c. 14), xiv. § 26 (c. 9), xi. § 11 (c. 5), xiii. § 7 (c. 3)" (Halm). But 'avertant' in these formulae stands in a different kind of sentence from this; and I don't see how 'averterent' could stand here.

7. *excussimus*] V, 'excivimus' D. Nonius Marcellus (p. 299), quoted by Ferrarius and others, has 'juventutem . . . excussimus.'

ad id consilium] The persons who might be sent to Antonius about peace.

mea . . . persona] See Vol. i. Index, 'Persona.'—'Pacem ipsam:' he personifies Peace, as he does Salus sometimes, and Fides.—'ad populum . . . egi:' before the people.

ego semper illum hostem appellavi, quum alii adversarium; semper hoc bellum, quum alii tumultum. Nec haec in senatu solum: eadem ad populum semper egi, neque solum in ipsum, sed in ejus socios facinorum et ministros, et praesentes et eos qui una sunt; in totam denique M. Antonii domum sum semper invectus. Itaque ut alacres et laeti spe pacis oblata inter se impii cives quasi vicissent gratulabantur, sic me iniquum ejerabant, de me querebantur. Diffidebant etiam Servilio. Meminerant ejus sententiis confixum Antonium; L. Caesarem, fortem quidem illum et constantem senatorem, avunculum tamen; Calenum procuratorem, Pisonem familiarem: te ipsum, Pansa, vehementissimum et fortissimum consulem, factum jam putant leniorem; non quo ita sit aut esse possit, sed mentio a te facta pacis suspicionem multis attulit immutatae voluntatis. Inter has personas me interjectum amici Antonii moleste ferunt. quibus gerendus mos est, quoniam semel liberales esse coepimus. VIII. Proficiscantur legati optimis ominibus, sed ii proficiscantur in quibus non offendatur Antonius. Quod si de Antonio non laboratis, mihi certe, patres conscripti, consulere debetis. Parcite oculis saltem meis, et aliquam veniam justo dolori date. Quo enim aspectu videre potero,—omitto hostem patriae, ex quo mihi odium in illum commune vobiscum est,—sed quo modo aspiciam mihi uni crudelissimum hostem, ut declarant ejus de me acerbissimae contiones? Adeone me ferreum putatis ut cum eo congredi aut illum aspicere possim? qui nuper, quum in contione donaret eos, qui ei de parricidis audacissimi videbantur, mea bona donare se dixit Petissio Urbinati, qui ex naufragio luculenti patrimonii ad haec Antoniana saxa projectus est. An L. Antonium aspicere potero? cujus ego crudelitatem effugere non potuissem, nisi me moenibus et portis et studio municipii mei defendissem. Atque idem hic mirmillo Asiaticus, latro Italiae, collega Lentonis et Nuculae, quum Aquilae primi pili nummos aureos daret, de meis bonis se dare

ejerabant] V, 'eiurabant' g, 'ei iurabant' a b t. The friends of M. Antonius objected to Cicero as a Legatus, as Manutius explains it; or they refused to acknowledge him in any way in the negotiations. He says below in this chapter, "Inter has personas me interjectum amici Antonii moleste ferunt." See Verr. ii. 3, c. 60, and the note on 'ejurare.'

fortem quidem illum] "*fortem illum quidem* probabiliter Muretus" (Halm); and this is the usual order of these words.

quibus gerendus mos] 'Whom he must oblige,' by not going as commissioner. The next words, 'quoniam . . . coepimus,' are explained by Manutius 'mittendis iterum legatis.'

8. *omitto*] V t Halm, 'mitto' a *b g*.

municipii mei] Arpinum. In the autumn of B.C. 44 Cicero was at Arpinum. He here tells us obscurely that he was *protected* in Arpinum against L. Antonius.

primi pili nummos] "V in ras. habet m. 2, unde verisimilius fit Ciceronem non *scripsisse primi pili*, sed aut *primipilo* aut *primo pilo*, ut jam Garatoni monuit: v. Momm-

dixit; si enim de suis dixisset, ne Aquilam quidem ipsum crediturum putavit. Non ferent, inquam, oculi Saxam, Cafonem, non duo praetores, non tribunum plebis, non duo designatos tribunos, non Bestiam, non Trebellium, non T. Plancum. Non possum animo aequo videre tot tam importunos, tam sceleratos hostes; nec id fit fastidio meo, sed caritate rei publicae. Sed vincam animum, mihique imperabo: dolorem justissimum, si non potuero frangere, occultabo. Quid, vitae censetisne, patres conscripti, habendam mihi aliquam esse rationem? quae mihi quidem minime cara est, praesertim quum Dolabella fecerit ut optanda mors esset, modo sine cruciatu atque tormentis; vobis tamen et populo Romano vilis spiritus meus esse non debet. Is enim sum, nisi me forte fallo, qui vigiliis, curis, sententiis, periculis etiam, quae plurima adii propter acerbissimum omnium in me odium impiorum, perfecerim ut non obstarem rei publicae, ne quid arrogantius videar dicere. Quod quum ita sit, nihilne mihi de periculo meo cogitandum putatis? IX. Hic quum essem in urbe ac domi, tamen multa saepe tentata sunt, ubi me non solum amicorum fidelitas, sed etiam universae civitatis oculi custodiunt. Quid censetis, quum iter ingressus ero longum praesertim, nullasne insidias extimescendas? Tres viae sunt ad Mutinam, quo festinat animus ut quam primum illud pignus libertatis populi Romani D. Brutum aspicere possim, cujus in complexu libenter extremum vitae spiritum ediderim, quum omnes actiones horum mensium, omnes sententiae meae pervenerint ad eum qui mihi fuit propositus exitum. Tres ergo, ut dixi, viae: a supero mari Flaminia; ab infero Aurelia; media Cassia. Nunc, quaeso, attendite, num aberret a conjectura suspicio periculi mei. Etruriam discriminat Cassia. Scimusne igitur, Pansa, quibus in locis nunc sit Lentonis Caesennii septemviralis auctoritas? Nobis-

senii Ind. Inscrip. Neap. p. 477 et Car. Schneiderum ad Caes. B. Gall. i. p. 182. Cf. tamen, Pro L. Cornelio Balbo c. 15." But in the passage Pro Balbo it is 'primi pili centurio.' Manutius says that we must either supply 'centurioni' as Caesar uses it (B. G. iii. 5), 'primi pili centurio,' or we must write 'primipilo' in a single word, as it is in Caesar B. G. ii. c. 25.

ipsum crediturum] 'ipsam credituram' g t, and some editions "in qua scriptura nescio qui lepos inesse putetur" (Halm). There seems to be a play on the name of the man, which was also the name (aquila) of the 'signum' of the legion.

9. *mensium*] 'mensum' Halm.

Flaminia] He describes the direction of the three roads. The Flaminia ran to Ancona on the Hadriatic, and then along the coast to Ariminum; from Ariminum it ran inland in a straight line, through Bononia to Mutina. The Aurelia ran along the west coast through Centumcellae to Pisae, Luna, and Genua. The Cassia, as Cicero says, divides Etruria; it ran from Rome to Volsinii, and so northwards to Florentia.

septemviralis auctoritas] Lento was one of the Septemviri under M. Antonius' Agraria Lex.—'uno capite:' content with a head only, without inflicting torture. Cicero alludes to what Trebonius had suffered, as he says, from Dolabella.

cum nec animo certe est nec corpore. Si autem aut domi est aut non longe a domo, certe in Etruria est, id est, in via. Quis igitur mihi praestat Lentonem uno capite esse contentum? Dic mihi praeterea, Pansa, Ventidius ubi sit, cui fui semper amicus, ante quam ille rei publicae bonisque omnibus tam aperte est factus inimicus. Possum Cassiam vitare, tenere Flaminiam. Quid, si Anconam, ut dicitur, Ventidius venerit? poterone Ariminum tuto accedere? Restat Aurelia. Hic quidem etiam praesidia habebo, possessiones enim sunt P. Clodii: tota familia occurret, hospitio invitabit propter familiaritatem notissimam. X. Hisce ego me viis committam, qui Terminalibus nuper in suburbium ut eodem die reverterer ire non sum ausus? Domesticis me parietibus vix tueor sine amicorum custodiis. Itaque in urbe [maneo] si licebit, manebo. Haec mea sedes est, haec vigilia, haec custodia, hoc praesidium stativum. Teneant alii castra, regna, res bellicas; oderint hostem, nam hoc caput est: nos, ut dicimus semperque fecimus, urbem et res urbanas vobiscum pariter tuebimur. Neque vero recuso munus hoc, quamquam populum Romanum video pro me recusare. Nemo me minus timidus, nemo cautior. Res declarat. Vicesimus annus est quum omnes scelerati me unum petunt. Itaque ipsi, ne dicam mihi, rei publicae poenas dederunt: me salvum adhuc res publica conservavit sibi. Timide hoc dicam; scio enim quidvis homini accidere posse; verum tamen semel circumsessus lectis valentissimorum hominum viribus cecidi

Ventidius] P. Ventidius Bassus. He is one of the praetors (B.C. 43) alluded to in c. 8; and he was made consul before the end of B.C. 43. He was said to have been a 'mulio;' but he was a man of ability, and afterwards distinguished himself in the Parthian wars. Gellius (XV. 4), who has something about him, says, on Suetonius' authority, that he was the first Roman who triumphed over the Parthians. See also Dion 49, c. 19—21; and Plutarch, Antonius, c. 34.

tenere] "'tenere' i, 'et' t, om. a b g" (Halm), who has '*tenere*.'—'ut dicitur:' it seems that we must supply 'venisse.'—'praesidia:' ironically. He has told us before that his enemy, P. Clodius, had land in Etruria.

10. *Terminalibus*] On the vii. Kal. Mart. Ovid, Fasti ii. 639:

"Nox ubi transierit, solito celebretur honore
Separat indicio qui deus arva suo."

—'ire non sum ausus:' "ire ausus non sim. ed. Ald." (Halm).—'in urbe . . . manebo:' Halm. The common reading is '*in urbe* maneo: si sic licebit, manebo.'

regna] 'regna. tres' t, 'regna res' a b g i. The text is perhaps not correct. Schuetz corrected it thus, 'regant res,' and Orelli 'gerant res,' which Halm has.

oderint] Ferrarius proposed 'adierint,' Faernus 'fuderint.' Ursini proposed 'adeant' or 'adierint.' The text may be right; 'let them show their hatred of the enemy, real hatred, not simulated.—'ut dicimus:' Gruter proposed 'didicimus.' Klotz proposes 'ut facimus.' But 'dicimus' may be opposed to 'fecimus.' Ernesti proposed 'diximus.'

nemo cautior] Halm has 'nemo tamen cautior,' which is founded on the reading of t, 'nemotā cautior.'

Vicesimus annus est quum] See Phil. ii. c. 1. 'It is now twenty years that all the villains have been aiming at me only.' See Pro Cluentio, c. 30, Vol. ii.

circumsessus] a b g i. Faernus proposes 'circumseptus.' Cicero appears to refer to his contest with P. Clodius. Halm pro-

sciens ut honestissime possem exsurgere. Possumne igitur satis videri cautus, satis providus, si me huic itineri tam infesto tamque periculoso commisero? Gloriam in morte debent ii qui in re publica versantur, non culpae reprehensionem et stultitiae vituperationem relinquere. Quis bonus non luget mortem Trebonii? quis non dolet interitum talis et civis et viri? At sunt qui dicant, dure illi quidem, sed tamen dicunt, minus dolendum quod ab homine impuro nefarioque non caverit. Etenim qui multorum custodem se profiteatur, eum sapientes sui primum capitis aiunt custodem esse oportere. Quum septus sis legibus et judiciorum metu, non sunt omnia timenda neque ad omnes insidias praesidia quaerenda. Quis enim audeat luci, quis in militari via, quis bene comitatum, quis illustrem aggredi? Haec neque hoc tempore neque in me valent. Non modo enim poenam non extimescet qui mihi vim attulerit, sed etiam gloriam sperabit a latronum gregibus et praemia.

XI. Haec ego in urbe provideo: facilis est circumspectus unde exeam, quo progrediar, quid ad dextram, quid ad sinistram sit. Num idem in Appennini tramitibus facere potero? in quibus etiamsi non erunt insidiae, quae facillime esse poterunt, animus tamen erit sollicitus ut nihil possit de officiis legationis attendere. Sed effugi insidias, perrupi Appenninum. Nempe in Antonii congressum colloquiumque veniendum est. Quinam locus capietur? Si extra castra, ceteri viderint: ego mortem actutum futuram puto. Novi hominis furorem, novi effrenatam violentiam. Cujus acerbitas morum immanitasque naturae ne vino quidem permixta temperari solet, hic ira dementiaque inflammatus, adhibito fratre Lucio, taeterrima bellua, numquam profecto a me sacrilegas manus atque impias abstinebit. Memini colloquia et cum acerrimis hostibus et cum gravissime dissentientibus civibus. Cn. Pompeius, Sexti filius, consul, me praesente, quum essem tiro in ejus exercitu, cum P.

poses 'circumclusus.' The word 'lectis' is doubtful. Halm proposes 'infestis.'

11. *provideo*] Halm, 'providero' b. The other reading is 'praevideo.' These words are often confounded.—'nihil ... de officiis ... attendere:' Cicero uses 'attendere,' to attend to, in various ways. He says 'si reliqua attendetis,' and 'attendite animos ad ea,' Pro Quintio, c. 25, and the note.

Sed effugi] 'But suppose that I escape ambuscades.' It is literally, 'Well, I have escaped.'

mortem actutum futuram] 'me vix tutum futurum' (Halm), who makes this up partly out of the various readings and partly from conjecture. Cicero seems to intend to speak in stronger terms.

Cn. Pompeius] The father of Magnus, who commanded in the Social or Marsic war. He was consul in B.C. 89. Cicero, as he tells us, was then a young soldier in Pompeius' army. Plutarch says that Cicero "served in the army under Sulla, in the Marsic war" (Cicero, c. 8); but he may be mistaken about Sulla.—'Scatone:' codd. Manutius read 'Catone,' on the authority of Appian (B. C. i. 40) and Velleius (ii. 16). Halm refers to the De Domo, c. 44, where the name 'Scatonem' occurs.

Vettio Scatone duce Marsorum inter bina castra collocutus est. Quo quidem memini Sex. Pompeium, fratrem consulis, ad colloquium ipsum Roma venire, doctum virum atque sapientem, quem quum Scato salutasset, 'Quem te appellem?' inquit. At ille: 'Voluntate hospitem, necessitate hostem.' Erat in illo colloquio aequitas, nullus timor, nulla suberat suspicio, mediocre etiam odium. Non enim ut eriperent nobis socii civitatem, sed ut in eam reciperentur petebant. Sulla cum Scipione inter Cales et Teanum, quum alter nobilitatis florem, alter belli socios adhibuisset, de auctoritate senatus, de suffragiis populi, de jure civitatis, leges inter se et conditiones contulerunt. Non tenuit omnino colloquium illud fidem; a vi tamen periculoque abfuit. XII. Possumusne igitur in Antonii latrocinio aeque esse tuti? Non possumus, aut, si ceteri possunt, me posse diffido. Quod si non extra castra congrediemur, quae ad colloquium castra sumentur? In nostra ille numquam veniet, multo minus nos in illius. Reliquum est ut et accipiantur et remittantur postulata per literas: ergo erimus in castris. Mea ad omnia postulata una sententia, quam quum hic vobis audientibus dixero, isse et redisse me putatote; legationem confecero. Omnia ad senatum mea sententia rejiciam, quaecumque postulabit Antonius. Neque enim licet aliter, neque permissum est nobis ab hoc ordine, ut bellis confectis decem legatis permitti solet more majorum, neque ulla omnino a senatu mandata accepimus. Quae quum agam in consilio, nonnullis, ut arbitror, repugnantibus, nonne metuendum est ne imperita militum multitudo per me pacem distineri putet? Facite hoc meum consilium legiones novas non im-

Quo quidem] 'To which place,' and he adds 'ad colloquium' to explain it. Halm writes 'Quo quidem *tempore*,' which is Ernesti's unnecessary alteration.

civitatem] The Socii claimed the Roman Civitas, which was granted after a hard contest. See Lex Julia de Civitate, Vol. ii. Index.

Sulla cum Scipione] L. Cornelius Scipio was consul in B.C. 83, in the beginning of which year Sulla returned to Italy from the east. He had a conference with Scipio, whose troops betrayed him and went over to Sulla. Accordingly Cicero says 'non tenuit omnino colloquium illud fidem.' Sulla invited Scipio to come to terms, but the cunning fox, as Plutarch calls him, outwitted the consul, who was taken prisoner in his tent, but set at liberty (Plutarch, Sulla, c. 28; Appian, B. C. i. 80—86; Livy, Ep. 85). Sulla had the Nobiles on his side. There was a difference of policy as to the Suffragia of the Libertini. Sulla wished them to vote in the four 'urbanae tribus' as before. The partizans of Marius wished to distribute them among the thirty-five Tribus.

12. *ergo erimus in castris*] 'each of us will be in our camp.'—'mea ad omnia:' 'meaque' D. Halm writes 'mea quidem.'

confecero] b, 'confero' a g t i, which Manutius tries to explain, but it is barely possible; and the reading 'confecero' makes it plain.

decem legatis] Ten was the usual number of commissioners named by the senate to settle the affairs of a conquered country. See De Prov. Cons. c. 11, and the note.—'mandata accepimus:' he means, I suppose, that they had no authority to decide anything; they must report to the senate.—'in consilio:' in the deliberation with his fellow-commissioner or commissioners.

probare, nam Martiam et Quartam nihil [cogitetis] praeter dignitatem et decus comprobaturas esse certe scio. Quid, veteranos non veremur? Nam timeri se ne ipsi quidem volunt. Sed quonam modo accipient severitatem meam? Multa enim falsa de me audierunt, multa ad eos improbi detulerunt. Quorum commoda, ut vos optimi testes estis, semper ego sententia, auctoritate, oratione firmavi; sed credunt improbis, credunt turbulentis, credunt suis. Sunt autem fortes illi quidem, sed propter memoriam rerum, quas gesserunt pro populi Romani libertate et salute rei publicae, nimis feroces et ad suam vim omnia nostra consilia revocantes. Horum ego cogitationem non vereor; impetum pertimesco. Haec quoque tanta pericula si effugero, satisne tutum reditum putatis fore? Quum enim et vestram auctoritatem meo more defendero, et meam fidem rei publicae constantiamque praestitero, tum erunt mihi non ii solum qui me oderunt, sed illi etiam qui invident extimescendi. Custodiatur igitur vita mea rei publicae, eaque quoad vel dignitas vel natura patietur patriae reservetur; mors aut necessitatem habeat fati, aut, si ante oppetenda est, oppetatur cum gloria. Haec quum ita sint, etsi hanc legationem res publica, ut levissime dicam, non desiderat, tamen, si tuto licebit ire, proficiscar. Omnino, patres conscripti, totum hujusce rei consilium non periculo meo, sed utilitate rei publicae metiar. De qua mihi, quoniam liberum est spatium, [multum] etiam atque etiam considerandum puto, idque potissimum faciendum quod maxime interesse rei publicae judicavero.

[*cogitetis*]] Codd., but t has 'cogitatis.' There is some error, but it is hard to say what it is. Halm observes that his MSS. point what follows thus: 'comprobaturas esse. certe scio.' But it is hardly possible that 'certe scio' or 'certo scio' can stand by itself.

Sed quonam modo] Halm has 'veremur —nam timeri . . . volunt—quonam modo accipiant.' 'sed accipient' ('accipiant' a g) a b g i.

vereor . . . pertimesco] He says above 'veremur' and 'timeri.' See Phil. v. c. 18, and the note.

vita . . . eaque quoad] 'vita † r. p. mea, quoad' Halm.

INTRODUCTION TO THE THIRTEENTH PHILIPPIC.

THE design of sending other Legati to Antonius had been abandoned, and Cicero in this oration maintains that there can be no peace with Antonius; the war must be vigorously prosecuted. M. Lepidus, who had brought to terms Sex. Pompeius in Spain, for which service the senate had honoured him with a statue (Phil. v. c. 15), had written to recommend peace with Antonius (c. 4, &c.); and Cicero answers his recommendation by showing that there can be no peace with a man who is in arms against the state, and had not deigned to give an answer to the commissioners who had been sent (c. 9).

Cicero then reads a letter from Antonius to Hirtius and Caesar, which letter or a copy Hirtius had forwarded from Mutina to Rome. Cicero takes the letter clause by clause and makes his remarks on it (c. 10—21), and in such a way as to put the worst meaning on what Antonius had written.

He concludes by agreeing with what Servilius had said about the proposals and letter of Lepidus; and moves that Sex. Pompeius should be thanked for the offer which he had made of his services.

The consul Pansa had now left Rome to join his colleague Hirtius before Mutina.

ORATIONUM PHILIPPICARUM

LIBER TERTIUSDECIMUS.

I. A PRINCIPIO hujus belli, patres conscripti, quod cum impiis civibus consceleratisque suscepimus, timui ne conditio insidiosa pacis libertatis recuperandae studia restingueret. Dulce enim etiam nomen est pacis, res vero ipsa quum jucunda, tum salutaris. Nam nec privatos focos nec publicas leges videtur nec libertatis jura cara habere, quem discordiae, quem caedes civium, quem bellum civile delectat, eumque ex numero hominum ejiciendum, ex finibus humanae naturae exterminandum puto. Itaque sive Sulla sive Marius sive uterque sive Octavius sive Cinna sive iterum Sulla sive alter Marius et Carbo sive qui alius civile bellum optavit, eum detestabilem civem rei publicae natum judico. Nam quid ego de proximo dicam, cujus acta defendimus, auctorem ipsum jure caesum fatemur? Nihil igitur hoc cive, nihil hoc homine taetrius, si aut civis aut homo habendus est, qui civile bellum concupiscit. Sed hoc primum videndum est, patres conscripti, cum omnibusne pax esse possit an sit aliquod bellum inexpiabile, in quo pactio pacis lex sit servitutis. Pacem cum Scipione Sulla sive faciebat sive simulabat, non erat desperandum, si convenisset, fore aliquem tolerabilem statum civitatis. Cinna si concordiam cum Octavio confirmare voluisset, hominum in re publica sanitas remanere potuisset. Proximo bello

1. *publicas leges*] 'Publicas' is only added to balance 'privatos.' It means nothing here.—'libertatis jura:' what we might call the 'rights of liberty,' but it is no exact use of 'jura.'

Octavius] The consul Cn. Octavius (B.C. 87) who quarrelled with his colleague L. Cornelius Cinna. See Plutarch, Marius, c. 41.—'alter Marius:' the son of C. Marius, the conqueror of the Cimbri.

de proximo] C. Caesar.

cum Scipione] See Phil. xii. c. 11, and the note.

hominum . . . potuisset] "quae in V[1] desunt, in marg. manus sec. supplevit" (Halm). Faernus proposed to read 'omnino' for 'hominum.'

si aliquid de summa gravitate Pompeius, multum de cupiditate Caesar remisisset, et pacem stabilem et aliquam rem publicam nobis habere licuisset. II. Hoc vero quid est? cum Antoniis pax potest esse? cum Censorino, Ventidio, Trebellio, Bestia, Nucula, Munatio, Lentone, Saxa? Exempli caussa paucos nominavi: genus infinitum immanitatemque ipsi cernitis reliquorum. Addite illa naufragia Caesaris amicorum, Barbas Cassios, Barbatios, Polliones: addite Antonii collusores et sodales, Eutrapelum, Melam, Caelium, Crassicium, Tironem, Mustelam, Petissium: comitatum relinquo, duces nomino. Huc accedunt Alaudae ceterique veterani, seminarium judicum tertiae decuriae, qui, suis rebus exhaustis, beneficiis Caesaris devoratis, fortunas nostras concupiverunt. O fidam dexteram Antonii, qua ille plurimos cives trucidavit! o ratum religiosumque foedus quod cum Antoniis fecerimus! Hoc si Marcus violare conabitur, Lucii eum sanctitas a scelere revocabit. Illis locus si in hac urbe fuerit, urbi ipsi locus non erit. Ora vobis eorum ponite, patres conscripti, ante oculos, et maxime Antoniorum, incessum, aspectum, vultum, spiritum; latera tegentes alios, alios praegredientes amicos. Quem vini anhelitum, quas contumelias fore censetis minasque verborum! Nisi forte eos pax ipsa leniet, maximeque, quum in hunc ordinem venerint, salutabunt benigne, comiter appellabunt unum quemque nostrum. III. Non recordamini, per deos immortales, quas in eos sententias dixeritis? Acta M. Antonii rescidistis, leges refixistis, per vim et contra auspicia latas decrevistis, totius Italiae delectus excitastis, collegam et scelerum socium omnium hostem judicavistis. Cum hoc quae pax potest esse? Hostis si esset externus, [tamen] *id* ipsum vix talibus factis sed posset aliquo modo. Maria, montes, regionum magnitudines interessent: odisses eum quem non videres. *Hi* in oculis haerebunt, et quum licebit in faucibus; quibus enim septis tam immanes belluas continebimus?—At incertus exitus *belli*—Est omnino fortium virorum, quales vos esse debetis, virtutem praestare —tantum enim possunt—fortunae culpam non extimescere. Sed quoniam ab hoc ordine non fortitudo solum, verum etiam sapientia

gravitate Pompeius] See Phil. ii. c. 10, and the note.

2. *Censorino*] See Phil. xi. c. 5.—'Ventidio:' Phil. xii. c. 9.

Barbas Cassios] See Ad Att. xiii. 52.—'Eutrapelum:' Volumnius. See Phil. ii. c. 8, and the note.

tertiae decuriae] See Phil. i. c. 8.—'beneficiis Caesaris:' see Phil. xi. c. 14, and the note.

3. [*tamen*]] om. V.—'interessent:' if seas, mountains, huge extent of countries were between.—'odisses . . . videres:' Halm. The common text is 'odissetis . . . videretis.'

belli] 'belli est' V b t; "'belli est. Est' a g Orelli" (Halm), who has what is in the text. We may write 'belli est—Est,' making a pause after 'belli est.'

postulatur—quamquam vix videntur haec posse sejungi, sejungamus tamen—fortitudo dimicare jubet, justum odium incendit, ad confligendum impellit, vocat ad periculum. Quid sapientia? cautioribus utitur consiliis, in posterum providet, est omni ratione tectior. Quid igitur censet? parendum est enim, atque id optimum judicandum quod sit sapientissime constitutum. Si hoc praecipit ne quid vita existimem antiquius, ne decernam capitis periculo, fugiam omne discrimen, quaeram ex ea, etiamne si erit quum id fecero serviendum. Si annuerit, ne ego sapientiam istam quamvis sit erudita non audiam. Sin responderit: Tu vero ita vitam corpusque servato, ita fortunas, ita rem familiarem, ut haec libertate posteriora ducas, itaque his uti velis, si libera re publica possis, nec pro his libertatem, sed pro libertate haec projicias tamquam pignora injuriae—tum sapientiae vocem audire videar, eique uti deo paream. Itaque si receptis illis possumus esse liberi, vincamus odium pacemque patiamur: sin otium incolumibus his esse nullum potest, laetemur decertandi oblatam esse fortunam. Aut enim interfectis illis fruemur victrice re publica, aut oppressi, quod omen avertat Jupiter, si non spiritu, at virtutis laude vivemus.

IV. At enim nos M. Lepidus, imperator iterum, pontifex maxi-

tectior] Halm, 'rectior' b, 'protectior' V² g.

si erit] 'Fuerit' is the common reading, and the reading of a g t V². Faernus altered the common reading to 'etiamne si erit;' and Muretus approved. b has 'si erit,' and V¹ 'sierit.'

tamquam pignora injuriae] The words 'nec pro his . . . projicias' explain Cicero's meaning. A 'pignus' is something which a man receives from another to keep as a security for money lent, or it may be for any thing else. He who holds the 'pignus' cannot have his money back without giving up the 'pignus.' This is something like the case of a 'pledge,' not quite. You give up your liberty in order that you may keep your life and your property; but you had better give up life and property for the sake of liberty; though the individual who gives up his life will not get much advantage by recovering his liberty. Cicero says 'tamquam pignora injuriae,' as if he meant to say an improper use of 'pignus;' and it is. Your property is a pledge for your being ill treated. A tyrant knowing that you value your body and your property more than liberty, will take advantage of this, and will make you suffer what he pleases. Cicero says Pro Caelio, c. 32, "pignora voluntatis." Cicero's talk is good, but his past life showed that he would not give up every thing to save liberty. However here, as on many other occasions, he tells us a great truth, which was never more true than it is now. So much does a nation love its quiet, its property, the power of making money and enjoying it, and so greatly has the amount of material enjoyment been increased in modern times, that a people will endure the most scandalous usurpation of power, and its most tyrannical exercise, rather than risk the loss of their property and their enjoyment, which are dearer to them than liberty, dearer even than life; for if the tyrant who imprisons and exiles were to plunder the humbled nation without mercy, his rule would soon end.

incolumibus his] V b g, 'iis' a t Halm.

4. *M. Lepidus*] om. V D i. It is in the ed. Ven. 1474 (Halm).—'iterum:' "In manuscripto non est vox *iterum* et recte ut opinor: nam M. Lepidus in veteribus et lapidum et numismatum inscriptionibus, nunquam (quod sciam) *Imp. iterum* inscribitur" (F. Ursini). There are two letters of Lepidus (Ad Div. x. 34, 35) of the year B.C. 43, in which he styles himself 'Imp. iter.;' one letter is to Cicero, and the other to the Senate and the Populus.

mus, optime proximo civili bello de re publica meritus, ad pacem adhortatur. Nullius apud me, patres conscripti, auctoritas major est quam M. Lepidi, vel propter ipsius virtutem vel propter familiae dignitatem. Accedunt eodem multa privata magna ejus in me merita, mea quaedam officia in illum. Maximum vero ejus beneficium numero, quod hoc animo in rem publicam est, quae mihi vita mea semper fuit carior. Nam quum Magnum Pompeium, clarissimum adolescentem, praestantissimi viri filium, auctoritate adduxit ad pacem, remque publicam sine armis maximo civilis belli periculo liberavit, tum me ejus beneficio plus quam pro virili parte obligatum puto. Itaque et honores ei decrevi quos potui amplissimos, in quibus mihi vos estis assensi, nec umquam de illo et sperare optime et loqui destiti. Magnis et multis pignoribus M. Lepidum res publica illigatum tenet. Summa nobilitas est, omnes honores, amplissimum sacerdotium, plurima urbis ornamenta ipsius, fratris majorumque monumenta, probatissima uxor, optatissimi liberi, res familiaris quum ampla, tum casta a cruore civili. Nemo ab eo civis violatus, multi ejus beneficio et misericordia liberati. Talis igitur vir et civis opinione labi potest, voluntate a re publica dissidere nullo pacto potest. Pacem vult M. Lepidus. Praeclare; si talem potest efficere qualem nuper effecit, qua pace Cn. Pompeii filium res publica aspiciet suoque sinu complexuque recipiet, neque solum illum, sed cum illo se ipsam sibi restitutam putabit. Haec caussa fuit cur decerneretis statuam in rostris cum inscriptione praeclara,

Magnum Pompeium] See Phil. v. c. 14, and the note.—'pro virili parte:' see Index, Vol. i. 'Virilis pars.'

honores ei decrevi] And he was not quite pleased with Lepidus. He says in a letter to Lepidus (Ad Div. x. 27): "Quod mihi pro summa erga te benevolentia magnae curae est ut quam amplissima dignitate sis, moleste tuli te senatui gratias non egisse, quum esses ab eo ordine ornatus summis honoribus."

ornamenta . . . fratris] This is M. Lepidus' brother L. Aemilius Paullus, who repaired the Basilica Fulvia, or Aemilia and Fulvia, as it is more properly called (Plutarch, Caesar, c. 29), and also built a new one (Cicero, Ad Att. iv. 16). (Becker, Handbuch, &c., Vol. i. p. 302.) There are some remarks in Drumann (Geschichte Roms, i. p. 5) on the name of this brother of M. Lepidus. He accepts Perizonius' conjecture that the father of Marcus and Lucius, who was consul in B.C. 78, called one of his sons Paullus, after the celebrated L. Aemilius Paullus, the conqueror of Perseus.—'probatissima uxor:' the wife of M. Lepidus was Junia, sister of M. Junius Brutus Tyrannoctonos.

Pacem vult M. Lepidus] In the letter to Lepidus (Ad Div. x. 27) Cicero says: "Pacis inter cives conciliandae te cupidum esse laetor. Eam si a servitute sejungis, consules et rei publicae et dignitati tuae: sin ista pax perditum hominem in possessionem impotentissimi dominatus restitutura est, hoc animo scito omnes [esse] sanos ut mortem servituti anteponant. Itaque sapientius meo quidem judicio facies, si te in istam pacificationem non interpones, quae neque senatui neque populo nec cuiquam bono probatur."

statuam in rostris] See Phil. v. c. 15, where the statue is mentioned, but the triumph is not. Cicero can hardly call this statue 'absenti triumphum.'—'L. Aemilio:' Paullus, the conqueror of Perseus, the last king of Macedonia, B.C. 168.—'Aemiliano Scipioni:' the Younger Africanus, as he is also called.

cur absenti triumphum. Quamquam enim magnas res bellicas gesserat et triumpho dignas, non erat tamen ei tribuendum, quod nec L. Aemilio nec Aemiliano Scipioni nec superiori Africano nec Mario nec Pompeio, qui majora bella gesserunt, sed quod silentio bellum civile confecerat quum primum licuit, honores in eum maximos contulistis. V. Existimasne igitur, M. Lepide, qualem Pompeium res publica habitura sit civem, tales futuros in re publica Antonios? In altero pudor, gravitas, moderatio, integritas: in illis—et quum hos compello, praetereo animo ex grege latrocinii neminem—libidines, scelera, ad omne facinus immanis audacia. Deinde vos obsecro, patres conscripti, quis hoc vestrum non videt, quod Fortuna ipsa, quae dicitur caeca, vidit? Salvis enim actis Caesaris, quae concordiae caussa defendimus, Pompeio sua domus patebit, eamque non minoris quam emit Antonius redimet; redimet, inquam, Cn. Pompeii domum filius. O rem acerbam! sed haec satis diu multumque defleta sunt. Decrevistis tantam pecuniam Pompeio quantam ex bonis patriis in praedae dissipatione inimicus victor redegisset. Sed hanc mihi dispensationem pro paterna necessitudine et conjunctione deposco. Redimet hortos, aedes, urbana quaedam, quae possidet Antonius; nam argentum, vestem, supellectilem, vinum amittet aequo animo, quae ille heluo dissipavit. Albanum, Formianum a Dolabella recuperabit, etiam ab Antonio Tusculanum; iique qui nunc Mutinam oppugnant, D. Brutum obsident, de Falerno Anseres depellantur. Sunt alii plures fortasse, sed de mea memoria dilabuntur. Ego etiam eos dico, qui hostium numero non sunt, Pompeianas possessiones quanti emerint filio reddituros. Satis inconsiderati fuit, ne dicam audacis, rem ullam ex illis attingere; retinere vero quis poterit clarissimo domino restituto? An is non reddet, qui domini patrimonium circumplexus, quasi thesaurum

5. *M. Lepide*] Lepidus is addressed though he is not present. Cicero does this sometimes.

tantam pecuniam] The compensation to Pompeius' son was, as Cicero says, equal in amount to the sum which had been raised by the sale of Magnus' property; and it is also said that Sextus would purchase his father's house for the sum which Antonius gave.

dispensationem] The management of the purchase and payment.—'nam argentum:' 'for as to the plate, &c., he will be content to lose that.' See Vol. i. Index, 'Nam.'

Albanum, Formianum] See Introd. p. 450. Some MSS. have 'Firmianum,' and one has 'Firmanum.' Halm refers to a letter to Atticus (xv. 13, 5): "Dolabella . . . ad me ex Formiano scripsit."

de Falerno . . . depellantur] 'depellentur' b. Manutius and Halm refer to Servius (ad Verg. Ecl. ix. 36: "sed argutos inter strepere anser olores"): "Alludit ad Anserem, quendam Antonii poetam, qui ejus laudes scribebat, quem ob hoc per transitum carpsit. De hoc etiam Cicero in Philippicis dicit: Ex agro Falerno Anseres depellantur: ipsum enim agrum ei donarat Antonius."

thesaurum] om. t. "Ravius in *var. lectt.* ii. p. 168 hoc totum *quasi thesaurum draco* pro glossemate habet; nobis satis fuit *thesaurum* obelo notasse" (Halm).

draco, Pompeii servus, libertus Caesaris, agri Lucani possessiones occupavit? Atque illud septies millies, quod adolescenti, patres conscripti, spopondistis, ita discribetur ut videatur a vobis Cn. Pompeii filius in patrimonio suo collocatus. Haec senatus. Reliqua populus Romanus in ea familia quam vidit amplissimam persequetur; in primis paternum auguratus locum, in quem ego eum, ut quod a patre accepi filio reddam, mea nominatione cooptabo. Utrum igitur augurem Jovis optimi maximi, cujus interpretes internuntiique constituti sumus, utrum populus Romanus libentius sanciet, Pompeiumne an Antonium? Mihi quidem numine deorum immortalium videtur hoc Fortuna voluisse, ut actis Caesaris firmis ac ratis Cn. Pompeii filius posset et dignitatem et fortunas patrias recuperare.

VI. Ac ne illud quidem silentio, patres conscripti, praetereundum puto, quod clarissimi viri legati, L. Paullus, Q. Thermus, C. Fannius, quorum habetis cognitam voluntatem in rem publicam eamque perpetuam atque constantem, nuntiant se Pompeii conveniendi caussa devertisse Massiliam, eumque cognovisse paratissimo animo ut cum suis copiis iret ad Mutinam, ni vereretur ne veteranorum animos offenderet. Est vero ejus patris filius, qui sapienter faciebat non minus multa quam fortiter. Itaque intelligitis et animum ei praesto fuisse nec consilium defuisse. Atque etiam hoc M. Lepido providendum est, ne quid arrogantius quam ejus mores ferunt facere videatur. Si enim nos exercitu terret, non meminit illum exercitum senatus populique Romani atque universae rei publicae esse, non suum.—At uti potest pro suo.—Quid tum? omniane viris bonis quae facere possunt facienda sunt? etiamne si turpia, si perniciosa erunt, si facere omnino non licebit? quid

illud millies] This seems to be the famous 'septies millies' which Caesar had deposited in the temple of Ops, and which M. Antonius is charged with stealing (Introd. p. 454). Cicero seems to say that Sextus Pompeius was to have compensation out of it; but how could that be if Antonius had wasted it? Manutius says, "Non spopondistis illud septies millies adolescenti: sed quod vos esse facturos adolescenti spopondistis: refertur enim ad illud *ita describite.*"

discribetur] 'Describite' is the reading of i. "Discribetur, a, quae vera forma videtur" (Halm); and yet he prints 'describetur.' I have often allowed the form 'describere' to stand where I believe it should be 'discribere,' but either the MSS. seldom give us the genuine word, or the editors have taken no notice of it. See Vol. i. Index, 'Discribere.'

cooptabo] See Phil. ii. c. 2, and the note.

6. *legati*] They went to see Sextus Pompeius at Massilia.—'devertisse:' 'divertisse' a b g i. Sextus went with his fleet and army from Spain to Massilia to be near Italy; but he did nothing (Dion 45, c. 10, and 48, c. 17; Appian, B. C. iv. c. 84). The decree in favour of Sextus Pompeius was made in the latter part of March, B.C. 43, and in April, after the defeat of Antonius before Mutina, the senate gave him the command of the fleet (Dion 46, c. 40, and c. 51).—'veteranorum animos:' the 'veterani' of Caesar, who were with Octavianus before Mutina, as Manutius supposes.

autem turpius aut foedius aut quod minus deceat quam contra senatum, contra cives, contra patriam exercitum ducere? Quid vero magis vituperandum quam id facere quod non liceat? Licet autem nemini contra patriam ducere exercitum: si quidem licere id dicimus quod legibus, quod more majorum institutisque conceditur. Neque enim quod quisque potest, id ei licet; nec, si non obstatur, propterea etiam permittitur. Tibi enim exerçitum, Lepide, tam quam majoribus tuis patria pro se dedit. Hoc tu arcebis hostem, fines imperii propagabis; senatui populoque Romano parebis, si quam ad aliam rem te forte traduxerit.

VII. Haec si cogitas, es M. Lepidus, pontifex maximus, M. Lepidi, pontificis maximi, pronepos. Sin hominibus tantum licere judicas quantum possunt, vide ne alienis exemplis iisque recentibus uti quam et antiquis et domesticis malle videare. Quod si auctoritatem interponis sine armis, magis equidem laudo; sed vide ne hoc ipsum non sit necesse. Quamquam enim est tanta in te auctoritas quanta debet in homine nobilissimo, tamen senatus se ipse non contemnit, nec vero fuit umquam gravior, constantior, fortior. Incensi omnes rapimur ad libertatem recuperandam; non potest ullius auctoritate tantus senatus populique Romani ardor exstingui: odimus, irati pugnamus, extorqueri manibus arma non possunt; receptui signum aut revocationem a bello audire non possumus; speramus optima; pati vel difficillima malumus quam servire. Caesar confecit invictum exercitum: duo fortissimi consules adsunt cum copiis; L. Planci consulis designati varia et magna auxilia non desunt; in D. Bruti salute certatur. Unus furiosus gladiator cum taeterrimorum latronum manu contra patriam, contra deos penates, contra aras et focos, contra quattuor consules gerit bellum. Huic cedamus, hujus conditiones audiamus, cum hoc pacem fieri posse credamus?

Neque enim] See Pro Balbo, c. 3, and the note.

tam quam] "*tamquam* edd.; de vi particularum v. Madvigii Opusc. i. p. 494."—'propagabis:' see Index, Vol. iii. 'Propagare.'

7. *es M. Lepidus*] 'es, M. Lepide,' the common reading in the printed books, which is false. D has 'Lepidus,' and Halm.—'alienis exemplis:' C. Caesar's, for instance.

auctoritatem interponis] See the letter to Lepidus, c. 4, and the note: "si te in istam pacificationem non interpones."

exstingui] F. Ursini proposed 'restingui.'

odimus, irati pugnamus] Halm observes that Cicero is using Lucilius' words, which he has quoted in Tusc. Qu. iv. c. 21:

"Odi hominem: iratus pugno: nec longius quidquam
Nobis quam dextrae gladium dum accommodet alter."

manibus] 'de manibus' in the printed books, as in the ed. Ven. 1474. Halm writes 'e manibus.' D i omit 'de.' 'Extorquere' is used with 'de,' 'e,' 'a,' and with a dative, as In Cat. i. c. 6, as some read that passage, but others read 'de manibus.'

contra quattuor consules] Hirtius and Pansa, consuls B.C. 43, and D. Brutus and L. Plancus, Consules designati.

VIII. At periculum est ne opprimamur. Non metuo ne is, qui suis amplissimis fortunis nisi nobis salvis frui non potest, prodat salutem suam. Bonos cives primum natura efficit, adjuvat deinde fortuna; omnibus enim bonis expedit salvam esse rem publicam, sed in iis qui fortunati sunt magis id apparet. Quis fortunatior Lepido, ut ante dixi, quis eodem sanior? Vidit ejus maestitiam atque lacrimas populus Romanus Lupercalibus; vidit quam abjectus, quam confectus esset, quum Caesari diadema imponens Antonius servum se illius quam collegam esse malebat. Qui si reliquis flagitiis et sceleribus se abstinere potuisset, tamen unum ob hoc factum dignum illum omni poena putarem. Nam si ipse servire poterat, nobis dominum cur imponebat? et si ejus pueritia pertulerat libidines eorum, qui erant in eum tyranni, etiamne in nostros liberos dominum et tyrannum comparabat? Itaque illo interfecto, qualem eum in nos esse voluit, talis ipse in ceteros exstitit. Qua enim in barbaria quisquam tam taeter, tam crudelis tyrannus, quam in hac urbe armis barbarorum stipatus Antonius? Caesare dominante veniebamus in senatum, si non libere, at tamen tuto. Hoc archipirata, quid enim dicam tyranno? haec subsellia ab Ituraeis occupabantur. Prorupit subito Brundisium ut inde agmine quadrato ad urbem accederet; lautissimum oppidum nunc municipum honestissimorum quondam colonorum, Suessam, fortissimorum militum sanguine implevit; Brundisii in sinu non modo avarissimae, sed etiam crudelissimae uxoris delectos Martiae legionis centuriones trucidavit. Inde se quo furore, quo ardore ad urbem, id est ad caedem optimi cujusque rapiebat! Quo tempore dii immortales ipsi praesidium improvisum nec opinantibus nobis obtulerunt. IX. Caesaris enim incredibilis ac divina virtus latronis impetus crudeles ac furibundos retardavit; quem tum ille demens laedere se putabat edictis, ignorans quaecumque falso diceret in sanctissimum adolescentem, ea vere recidere in memoriam pueritiae

8. *fortunati*] Those who have 'fortunae,' property.—'Lupercalibus :' see the Introd. p. 451.

libidines eorum] More of this filthy stuff. See Phil. ii.—'in eum :' 'over him,' like Horace's "Reges in ipsos imperium est Jovis" (Carm. iii. 1).

Ituraeis] Phil. ii. c. 8, and the note.—'agmine quadrato :' see the Index.

nunc municipum] Manutius suggested 'municipum' in place of 'municipium,' and he was right. Halm points it thus: 'oppidum nunc municipum honestissimorum, quondam colonorum.' It would be better to put no stops, and there would not be much danger of its being misunderstood. Suessa was a Colonia Latina (B.C. 313). It became a 'municipium' when the Lex Julia de Civitate was enacted, B.C. 90. See Vol. i. Index, 'Lex Julia.'

As to this massacre, see Phil. iii. c. 4; v. c. 8.—'Brundisii . . . centuriones :' he is always on this matter. See Phil. iii. c. 4.

9. *diceret in sanctissimum adolescentem*] 'falso in eum diceret [in sanctissimum adolescentem]' Halm, 'in eum diceret' b t, 'in eum' om. a g i. Many MSS. have 'indiceret.' Ferrarius proposed 'is diceret,'

suae. Ingressus urbem est, quo comitatu, vel potius agmine, quum dextra, sinistra, gemente populo Romano, minaretur dominis, notaret domos, divisurum se urbem palam suis polliceretur. Rediit ad milites; ibi pestifera illa Tiburi contio. Inde ad urbem cursus; senatus in Capitolium; parata de circumscribendo adolescente sententia consularis, quum repente, nam Martiam legionem Albae consedisse sciebat, affertur ei de Quarta nuntius. Quo perculsus abjecit consilium referendi ad senatum de Caesare. Egressus est non viis, sed tramitibus paludatus, eoque die ipso innumerabilia senatusconsulta fecit, quae quidem omnia citius delata quam scripta sunt. Ex eo non iter, sed cursus et fuga in Galliam. Caesarem sequi arbitrabatur cum legione Martia, cum Quarta, cum veteranis, quorum ille nomen prae metu ferre non poterat; eique in Galliam penetranti D. se Brutus objecit, qui se totius belli fluctibus circumiri quam illum aut regredi aut progredi maluit, Mutinamque illi exsultanti, tamquam frenos furoris injecit. Quam quum operibus munitionibusque sepsisset, nec eum coloniae florentissimae dignitas neque consulis designati majestas a parricidio deterreret, tum me—testor et vos et populum Romanum et omnes deos, qui huic urbi praesident—invito et repugnante legati missi tres consulares ad latronem M. Antonium, gladiatorum ducem. Quis tam barbarus umquam, tam immanis, tam ferus? Non audivit, non respondit, neque eos solum praesentes, sed multo magis nos, a quibus illi erant missi, sprevit et pro nihilo putavit. Postea quod scelus, quod facinus parricida non edidit? Circumsedet colonos vestros, exercitum populi Romani, imperatorem consulem designatum; agros divexat civium optimorum; hostis taeterrimus omnibus bonis cruces ac tor-

and Faernus 'in iis diceret,' with 'edictis' understood. The text is uncertain, but this uncertainty does not affect the meaning of the passage.—'vere recidere:' 'all that he said against Caesar truly applied to what men remembered of Antonius' youth.' Comp. Phil. iii. c. 6: "maledicta congessit deprompta ex recordatione impudicitiae et stuprorum suorum."

Rediit ad milites . . . contio] See Phil. iii. c. 8, and the Introd. to Phil. iii.—'circumscribendo:' see the Index, and Phil. v. c. 9: "quum senatum vocasset adhibuissetque consularem qui sua sententia C. Caesarem hostem judicaret;" and see the rest of that chapter.

eoque die ipso] Cicero, after saying that he went out not by the high roads, but by bye roads, adds 'eoque die ipso . . . fecit,' inverting of course the order of events, for Antonius must have got the 'senatusconsulta' made before he left Rome, if Cicero can say with any truth that 'he made them.' But what Cicero says of Antonius' movements is not clear, and probably not exactly true. See Phil. iii. c. 10, and the Introd. to Phil. iii. The 'senatusconsulta' were 'delata ad aerarium.' b has 'deleta,' and a modern critic has approved of this reading.

Caesarem sequi] We might infer from this that Antonius set out for the north before Caesar, or he could not have supposed that Caesar was following him with the Martia and Quarta and the Veterani; but as I have said several times, the story of Antonius' and Caesar's movements is not clear. See Phil. iii. Introd.

missi tres consulares] Ser. Sulpicius and two others. See Phil. viii. Introd.

menta minitatur. Cum hoc, M. Lepide, pax esse quae potest? cujus ne supplicio quidem ullo satiari videtur posse populus Romanus.

X. Quod si quis dubitare adhuc potuit quin nulla societas huic ordini populoque Romano cum illa importunissima bellua possit esse, desinat profecto dubitare his cognitis litteris, quas mihi missas ab Hirtio consule modo accepi. Eas dum recito, dumque de singulis sententiis breviter disputo, velim, patres conscripti, ut adhuc fecistis, me attente audiatis. 'Antonius Hirtio et Caesari:' neque se imperatorem neque Hirtium consulem nec pro praetore Caesarem. Satis hoc quidem scite. Deponere alienum nomen ipse maluit quam illis suum reddere. 'Cognita morte C. Trebonii non plus gavisus sum quam dolui.' Videte quid se gavisum, quid doluisse dicat; facilius de pace deliberabitis. 'Dedisse poenas sceleratum cineri atque ossibus clarissimi viri, et apparuisse numen deorum intra finem anni vertentis, aut jam soluto supplicio parri-

10. *alienum nomen*] The name of Imperator, which did not belong to him. This was clever enough on his part ('satis hoc quidem scite').

anni vertentis] Trebonius was murdered in February B.C. 43. Antonius does not mean at the end of B.C. 44, as some critics have supposed. Censorinus indeed (c. 19) explains 'annus vertens' thus: "Annus vertens est natura dum sol percurrens XII signa eodem unde profectus est redit" (see also Macrobius, Sat. i. c. 14); and we must admit that this is the proper sense of 'annus vertens.' Those who refer Antonius' words to the year B.C. 44, rely on what Cicero says in Phil. xi. c. 13, that Dolabella, after Trebonius' death, sent A. Allienus to Egypt to bring four legions, and that Allienus gave the legions up to Cassius before the 7th of March B.C. 43 (Ad Div. xii. 11); which cannot be comprehended, it is said, if Trebonius had not been murdered in B C. 44. But, on the other hand, it is replied that Allienus might have reached Egypt quickly by sea, and we know that when he left Egypt with his legions for Syria, Cassius met him on the way in Judaea; and all this would not require months, but only weeks. It is also possible that Cicero might not accurately know the time when Allienus left Asia for Egypt. There is also other evidence in favour of Trebonius having been murdered after B.C. 44. Cicero's letter to Trebonius (Ad Div. x. 28) was written after the XIII Kal. Jan., on which day he delivered his Third Philippic, and some time after that day, also after the news of the death of Ser. Sulpicius had reached Rome. When Cassius wrote to Cicero (Ad Div. xii. 11) on the Nonae Martiae B.C. 43, he spoke of Allienus, who had led the four legions out of Egypt, but he said nothing of Trebonius' death. In his letter to Cicero dated on the Nones of May, two months later, he does speak of Trebonius' death (Ad Div. xii. 12). Dolabella also, who went to Asia through Macedonia and Thrace, had not reached Asia in the month of December B.C. 44 (Dion 47, c. 29), and he was on good terms with Trebonius for some time after his arrival in Asia. Finally, Dolabella was not declared an enemy to the state at Rome before the middle of March B.C. 43; and we may assume that the news of Trebonius' death would be carried to Rome in a month.

This is Drumann's remark (Geschichte Roms, ii. p. 575, note 71). He has proved that Trebonius was not killed in B.C. 44; but still 'annus vertens' may have its usual sense. Antonius may have been ill informed about the time of Trebonius' murder. Drumann does not say any thing about the passage in Appian (B. C. iii. 61), in which, after speaking of Cicero being allowed to draw up the instructions for the commissioners who were to be sent to Antonius (Introd. to Phil. vi. p. 584), Appian adds: 'And the remains of Trebonius also having just been brought (to Rome), and the shameful treatment of Trebonius having been more particularly known, the senate without hesitation declared Dolabella to be an enemy to the state.' In the next chapter (c. 62) Appian speaks of the commissioners

cidii aut impendente, laetandum est.' O Spartace! Quem enim te potius appellem? cujus propter nefanda scelera tolerabilis fuisse videtur Catilina: laetandum esse ausus es scribere Trebonium dedisse poenas? sceleratum Trebonium? quo scelere, nisi quod te Idibus Martiis a debita tibi peste seduxit? Age, hoc laetaris: videamus quid moleste feras. 'Hostem judicatum hoc tempore Dolabellam, eo quod sicarium occiderit, et videri cariorem populo Romano filium scurrae quam C. Caesarem patriae parentem ingemiscendum est.' Quid, ingemiscis hostem Dolabellam [judicatum]? quid, te non intelligis, delectu tota Italia habito, consulibus missis, Caesare ornato, sagis denique sumptis, hostem judicatum? Quid est autem, scelerate, quod gemas hostem Dolabellam judicatum a senatu? quem tu ordinem omnino esse nullum putas, sed eam tibi caussam belli gerendi proponis, ut senatum funditus deleas, reliqui boni et locupletes omnes summum ordinem subsequantur. At scurrae filium appellat. Quasi vero ignotus nobis fuerit splendidus eques Romanus, Trebonii pater. Is autem humilitatem despicere audet cujusquam, qui ex Fadia sustulerit liberos? XI. 'Acerbissimum vero est te, A. Hirti, ornatum [esse] beneficiis Caesaris et talem ab eo relictum qualem ipse miraris'—Equidem negare non possum a Caesare Hirtium ornatum, sed illa ornamenta in virtute et industria posita lucent. Tu vero, qui te ab eodem Caesare ornatum negare non potes, quid esses, si tibi ille non tam multa tribuisset? ecquo te tua virtus provexisset? ecquo genus? In lustris, popinis, alea, vino tempus aetatis omne consumpsisses, ut faciebas, quum in gremiis mimarum mentum mentemque deponeres. 'et te, o puer'—Puerum appellat, quem non modo virum, sed etiam fortis-

going to Antonius; which shows that he thought that Trebonius was murdered in B.C. 44, which must have been so if his remains were brought to Rome before the commissioners set out in January B.C. 43. But I think that Appian has stated the time incorrectly; and perhaps the remains of Trebonius were not brought to Rome. Of course he means the ashes, for we may assume that the body was burnt, if it received any funeral rites. But if the ashes had been brought to Rome before this oration was delivered, it is almost impossible that Cicero could have spoken what he did; for part of what he said would have been notoriously false.—'parricidii:' b. The readings 'parricidae' and 'parricida' are corrupt. Ferrarius made the correction 'parricidii.'

seduxit] Trebonius kept Antonius out of the senate-house while the men were killing Caesar inside. See Introd. to the Philippicae, and the letter to Trebonius (Ad Div. x. 28).

ex Fadia] M. Antonius' first wife. See Introd. p. 450. a has 'ex eadia,' b t 'ex ea die.' Ferrarius made the correction, which is not difficult to make.

11. *ecquo genus*] For 'genus' F. Ursini proposed 'ingenium.'—'mentum mentemque:' 'mentem mentumque' a b i, but the order in the text is the true order; "aliter enim nihil habet salis," says Ferrarius.

Puerum appellat] As Cicero also had called young Caesar.—'ejus nomini:' C. Caesar's name. Halm omits 'ejus.'—'ille patriae parens:' C. Caesar the Dictator, to whom Antonius had erected a statue with this inscription: "Parenti optime merito" (Ad Div. xii. 3).

simum virum sensit et sentiet. Est istuc quidem nomen aetatis, sed ab eo minime usurpandum, qui suam amentiam puero huic praebet ad gloriam. 'qui omnia ejus nomini debes'—Debet vero solvitque praeclare. Si enim ille patriae parens, ut tu appellas —ego quid sentiam videro—cur non hic parens verior, a quo certe vitam habemus e tuis facinorosissimis manibus ereptam? 'id agere ut jure damnatus sit Dolabella'—Turpem vero actionem, qua defenditur amplissimi auctoritas ordinis contra crudelissimi gladiatoris amentiam!—'et ut venefica haec liberetur obsidione.' Veneficam audes appellare eum virum, qui tuis veneficiis remedia invenit? quem ita obsides, nove Hannibal, aut si quis acutior imperator fuit, ut te ipse obsideas, neque te istinc si cupias possis explicare. Recesseris; undique omnes insequentur: manseris; haerebis. Nimirum recte veneficam appellas, a quo tibi praesentem pestem vides comparatam—'ut quam potentissimus sit Cassius atque Brutus.' Putes Censorinum dicere aut Ventidium aut etiam ipsos Antonios. Cur autem nolint potentes esse non modo optimos et nobilissimos viros, sed secum etiam in rei publicae defensione conjunctos? 'Nimirum eodem modo haec aspicitis ut priora.' Quae tandem? 'Castra Pompeii senatum appellatis.' XII. An vero tua castra potius senatum appellaremus? in quibus tu es videlicet consularis, cujus totus consulatus est ex omni monumentorum memoria evulsus: duo praetores sine caussa diffisi se aliquid habituros; nos enim Caesaris beneficia defendimus: praetorii Philadelphus Annius et innocens Gallius: aedilicii corycus laterum et vocis meae Bestia, et fidei patronus, fraudator creditorum Trebellius, et homo diruptus dirutusque Q. Caelius, columenque amicorum Antonii, Cotyla Varius,

Turpem vero actionem] 'A scandalous act indeed;' ironically said. 'Turpem actionem' refers to 'id agere.'—'venefica haec liberetur:' Klotz observes that much more contempt is expressed by the feminine form 'venefica;' and he adds that Garatoni appropriately referred to Lepidus' speech in Sallust (lib. i.), where we find, "Fufidius, ancilla turpis, honorum omnium dehonestamentum."

ut priora] "Quae pro iis fecistis, qui me oderunt atque insequuntur, cupidum ulciscendae Caesaris necis" (Manutius).

12. *duo praetores*] Censorinus and Ventidius. See Phil. xii. c. 9.

Philadelphus Annius] See Phil. xi. c. 6. This is C. Annius Cimber. Cicero (Ad Att. xv. 13) calls him 'hominem nequam.' He was accused of killing his brother, and accordingly Cicero ironically names him Philadelphus. 'Innocens Gallius' is also ironical. This M. Gallius is mentioned several times by Cicero (Ad Att. xi. 20). He was a partizan of Antonius (Sueton. Aug. 27; Tib. 6).

corycus] 'coricus' a b i t. "'Verissime Schuetzius *corycus*. Est: in quo homine quinquies a me defenso, veluti in κωρύκῳ s. folle arena repleto vires suas athletae, sic ego latera et vocem exercui" (Orelli). "Edd. priores male Coricus vel C. Oricus" (Halm). Cicero had defended Bestia, and he compares his exertions for the man to the practice of an athlete exercising himself against a bag with sand or saw dust in it, I suppose, or any thing of the kind.—'fidei patronus . . . Trebellius:' see Phil. vi. c. 4.

Q. Caelius] He calls him 'diruptus dirutusque.' This, says Manutius, is a παράγραμμα, like 'mentum mentemque' (c. 11):

quem Antonius deliciarum caussa loris in convivio caedi jubebat a servis publicis: septemvirales, Lento, Nucula; tum deliciae atque amores populi Romani L. Antonius; tribuni primum duo designati, Tullus Hostilius, qui suo jure in porta nomen inscripsit, qui quum prodere imperatorem suum non potuisset, reliquit; alter est designatus Insteius nescio qui, fortis ut aiunt latro; quem tamen temperantem fuisse ferunt Pisauri balneatorem. Sequuntur alii tribunicii, T. Plancus in primis, qui si senatum dilexisset, numquam curiam incendisset; quo scelere damnatus in eam urbem rediit armis, ex qua excesserat legibus. Sed hoc ei commune cum plurimis sui simillimis. Illud tamen verum, quod in hoc Planco proverbii loco dici solet: perire eum non posse, nisi ei crura fracta essent. Fracta sunt, et vivit. Hoc tamen, ut alia multa, Aquilae referatur acceptum. XIII. Est etiam ibi Decius, ab illis, ut opinor, Muribus

"Diruptus, morbo herniae; dirutus, aere alieno." This is in Cicero's fashion to make personal allusions.—'Cotyla Varius:' see Phil. v. c. 2, and the note.

deliciarum caussa] "Deliciarum et voluptatis caussa," Pro Rabir. Post. c. 10. It seems that he means that this was done to amuse Antonius. Manutius says, "Ut ei delicias faceret. Injuriam Antonii quasi studium in Cotylam nominat;" and he refers to Phil. viii. c. 8: "Si vero tum fuit aedilis, quum eum jussu Antonii in convivio servi publici loris ceciderunt." 'Facere delicias alicui' means to insult a man. Antonius then took a pleasure in having Cotyla whipped, and we may guess how much Cotyla would relish it.

septemvirales] Members of the commission of seven for the distribution of land under Antonius' Lex.—'tribuni:' Ferrarius' emendation for 'tribunicii.'—'in porta nomen . . . qui quum:' 'qua, quum' Rau, Halm. "Quasi portam (Mutinae), ut opinor, qua proditionem frustra molitus ad Antonium fugisset, quamque inde faceti homines portam Hostiliam dicerent, ut triumphalem post tantum facinus nomine suo dedicasset" (Orelli). I do not know if this is right. Manutius says, "in porta quae Hostilia dicebatur: jure igitur quodam suo in porta nomen suum inscripsit." I do not know what Porta he means.

temperantem] He is playing on the word. 'Temperare aquam' means 'to warm the water for the bath,' to give it the proper heat; and 'temperans,' as Muretus says, also means σώφρων.

T. Plancus] He was Tr. pl. in the year in which Clodius killed Milo. See Asconius' Introd. to the Pro Milone about the burning of the Curia, p. 316; and Phil. vi. c. 4, and the note.—'rediit armis:' he was restored by Caesar, who is accused by Cicero of pardoning all the rascals, except Milo.

sui simillimis] The MSS. have 'dissimillimis.' Pighius, "in fastis ad annum v.c. DCCII conjecit *sibi* simillimis" (Gruter). Halm properly changes 'sibi' to 'sui.'

verum] 'mirum' Klotz, Halm. The MSS. have 'uerum,' which might be confounded with 'mirum.' In place of 'verum' there have been proposed 'proprium,' 'minus verum,' 'non verum,' and 'minime verum.' I think 'verum' may be right. At least it is as plain as 'mirum,' which is supposed to stand in opposition to 'commune.'

crura fracta . . . Aquilae] See Phil. xi. c. 6, and the note. He could never be killed, it was said, unless his legs were broken. (See Vol. iii. Index, 'Crurifragium.') Perhaps the words 'perire eum' may allude to T. Plancus having fought as a gladiator at Caesar's games, B.C. 45, to which the passage in Cicero's letters (Ad Div. xii. 18) is supposed to allude: "Equidem sic jam obdurui ut ludis Caesaris nostri animo aequissimo viderem T. Plancum, audirem Laberii et Publii poemata."—'hoc tamen:' not Plancus' being alive, for which we are indebted to Aquila, but his having broken his leg or his legs. That is something. His legs were broken, but not in the way that the people meant.

13. *Decius*] See Phil. x. 6. He plays on the word 'Mus' when he says 'munera rosit.'—'Saxam:' see Phil. viii. c. 3, and xi. c. 5.—'alter Saserna:' perhaps he means 'the other Saserna,' for there were a Saserna father and son (Columella, i. 1).

Deciis; itaque Caesaris munera rosit. Deciorum quidem multo intervallo per hunc praeclarum virum memoria renovata est. Saxam vero Decidium praeterire qui possum, hominem deductum ex ultimis gentibus, ut eum tribunum plebis videremus quem civem numquam videramus? Est quidem alter Saserna; sed omnes [tamen] tantam habent similitudinem inter se ut in eorum praenominibus errem. Nec vero Extitius, Philadelphi frater, quaestor, praetermittendus est, ne, si de clarissimo adolescente siluero, invidisse videar Antonio. Est etiam Asinius quidam senator voluntarius, lectus ipse a se. Apertam curiam vidit post Caesaris mortem; mutavit calceos; pater conscriptus repente factus est. Non novi Sex. Albesium, sed tamen neminem tam maledicum offendi, qui illum negaret dignum Antonii senatu. Arbitror me aliquos praeteriisse: de iis tamen qui occurrebant tacere non potui. Hoc igitur fretus senatu Pompeianum senatum despicit, in quo decem fuimus consulares, qui si omnes viverent, bellum omnino hoc non fuisset; auctoritati cessisset audacia. Sed quantum praesidii fuerit in ceteris, hinc intelligi potest, quod ego unus relictus e multis contudi et fregi adjuvantibus vobis exsultantis praedonis audaciam. XIV. Quod si non fortuna nobis modo eripuisset Ser. Sulpicium ejusque collegam ante M. Marcellum—quos cives! quos viros!—si duo consules amicissimos patriae simul ex Italia ejectos; si L. Afranium, summum ducem; si P. Lentulum, civem quum in ceteris rebus, tum in salute mea singularem; si M. Bibulum, cujus est in rem publicam merito semper laudata constantia; si L. Domitium, praestantissimum civem; si Appium Claudium, pari nobilitate et voluntate praeditum; si P. Scipionem, clarissimum virum majorumque suorum simillimum, res publica tenere potuisset; certe his consularibus non esset Pompeianus despiciendus senatus. Utrum

Whether this is one of them we cannot tell. Saserna is mentioned Ad Att. xv. 2; and in the Bell. Afric. c. 10, two are mentioned: "Itaque ibi relicto P. Saserna, fratre ejus quem Lepti proximo oppido reliquerat."

Extitius] or 'Exitius' i. I suppose the name is corrupt. Philadelphus is C. Annius Cimber, c. 12.

mutavit calceos] He put on the senatorial shoe; changed his dress and walked in.

> "Nam ut quisque insanus nigris medium impediit crus
> Pellibus et latum demisit pectore clavum."
> (Horace, Sat. i. 6, v. 27.)

—'Non novi Sex. Albesium:' or 'Albedium,' as some have it; nor do we know who he was.—'decem consulares:' he names eleven including himself, in the next chapter, as Manutius observes.

14. *ante M. Marcellum*] Marcellus died before Ser. Sulpicius (Pro Marcello).—'duo consules:' C. Marcellus and L. Lentulus.—'L. Afranium, summum ducem:' the man of whom Cicero says to Atticus (i. 18), "quam ignavus ac sine animo miles." He was consul B.C. 60, when Cicero gives him this character. He opposed Caesar in the first Spanish war, and was beaten. He perished in the African war (Bell. Afric. c. 95).—'P. Lentulum:' he was active in Cicero's restoration from exile (in salute).

his consularibus] a b i. 'iis' t, Halm;

igitur aequius, utrum melius rei publicae fuit, Cn. Pompeium an sectorem Cn. Pompeii vivere Antonium? Qui vero praetorii! quorum princeps M. Cato, idemque omnium gentium virtute princeps. Quid reliquos clarissimos viros commemorem? Nostis omnes. Magis vereor ne longum me in enumerando quam ne ingratum in praetereundo putetis. Qui aedilicii! qui tribunicii! qui quaestorii! Quid multa? Talis senatorum et dignitas et multitudo fuit ut magna excusatione opus iis sit, qui illa in castra non venerunt. XV. Nunc reliqua attendite. 'Victum Ciceronem ducem habuistis.' Eo libentius 'ducem' audio, quod certe ille dicit invitus; nam de victo nihil laboro. Fatum enim meum est sine re publica nec vinci posse nec vincere. 'Macedoniam munitis exercitibus.' Et quidem fratri tuo, qui a vobis nihil degenerat, extorsimus. 'Africam commisistis Varo bis capto.' Hic cum Caio fratre putat se litigare. 'In Syriam Cassium misistis.' Non igitur sentis huic caussae orbem terrae patere, te extra munitiones tuas vestigium ubi imprimas non habere? 'Cascam tribunatum gerere passi estis.' Quid ergo? ut Marullum, ut Caesetium a re publica removeremus eum per quem, ut neque idem hoc posthac neque multa hujusmodi accidere possent consecuti sumus? 'Vectigalia Juliana Lupercis ademistis.' Lupercorum mentionem facere audet? neque illius diei memoriam

who often rejects the pronoun 'hic,' where it seems to me that it should stand.

M. Cato] This is he of Utica, who well merits Cicero's praise; a stubborn, disagreeable fellow, but an honest man.

15. *attendite*] See Vol. i. Index.—'munitis exercitibus:' I have not seen 'munitus' used thus. Cicero may have left out something, or Antonius may be writing after his fashion.—'fratri tuo:' C. Antonius.

Varo] Perhaps this is Sex. Quintilius Varus, whom Caesar took at Corfinium in B.C. 49, and let him loose. Varus crossed over to Africa where he served under P. Atius Varus against C. Curio.—'Caio fratre ... litigare:' Antonius is disputing with the senate as he would with his brother Caius, and has no respect for us (Manutius).

Cascam] Servilius Casca, one of Caesar's assassins.—'Marullum ... Caesetium:' the tribunes Marullus and Caesetius took from C. Caesar's statue a bay crown, which a man had put on it, and sent the man to prison. Caesar deprived the tribunes of their office (Plutarch, Caesar, c. 61; Suetonius, Caesar, c. 79; Dion Cassius 44, c. 9, 10). Appian (B. C. ii. 108) says that the tribunes were also excluded from the senate. He tells the story with some additions to what Suetonius says. Dion also has a somewhat different story from Suetonius. Reimarus (note to Dion) observes that Appian says the tribunes were banished. I don't know where he found this. I think he must have misunderstood Appian's text. When Cicero says, 'e re publica removeremus,' he merely means to keep them out of public offices and from all such employment as a citizen might aspire to.

Vectigalia Juliana] 'The senate appointed priests for the Lupercalia, a third Sacerdotium, and named it Julium' (Dion 44, c. 6). There were two sets of priests already, the Quintiliani and Fabiani (Festus). Ferrarius thought that we ought to write 'Julianis,' but he would not venture to do it against the MSS. I suppose Caesar or the senate assigned some funds to the new Luperci, which Antonius calls 'Vectigalia Juliana.' Manutius quotes from Nonius a passage of a letter from Cicero to young Caesar, in which he says: "Quum constet Caesarem Lupercis id vectigal dedisse."

Lupercorum mentionem] See Introd. p. 451.—'et senatusconsulto:' 'et' om. i.

perhorrescit, quo ausus est obrutus vino, unguentis oblitus, nudus gementem populum Romanum ad servitutem cohortari? 'Veteranorum colonias deductas lege et senatusconsulto sustulistis.' Nos sustulimus an contra legem comitiis centuriatis latam sanximus? Vide ne tu veteranos tamen eos qui erant perditi perdideris in eumque locum deduxeris, ex quo ipsi jam sentiunt se numquam exituros. 'Massiliensibus jure belli adempta reddituros vos pollicemini.' Nihil disputo de jure belli:—magis facilis disputatio est quam necessaria—illud tamen animadvertite, patres conscripti, quam sit huic rei publicae natus hostis Antonius, qui tanto opere eam civitatem oderit, quam scit huic rei publicae semper fuisse amicissimam. XVI. 'Neminem Pompeianum qui vivat teneri lege Hirtia dictitatis.' Quis, quaeso, jam legis Hirtiae mentionem facit? cujus non minus arbitror latorem ipsum quam eos de quibus lata est poenitere? Omnino mea quidem sententia legem illam appellare fas non est, et, ut sit lex, non debemus illam Hirtii legem putare. 'Apuleiana pecunia Brutum subornastis.' Quid, si omnibus suis copiis excellentem virum res publica armasset, quem tandem bonum poeniteret? nec enim sine pecunia exercitum alere nec sine exercitu fratrem tuum capere potuisset. 'Securi percussos Petrum et Menedemum civitate donatos et hospites Caesaris laudastis.' Non laudamus, quod ne audivimus quidem: valde enim nobis in tanta perturbatione rei publicae de duobus nequissimis Graeculis cogitandum fuit. 'Theopompum, nudum expulsum a Trebonio, confugere Alexandriam neglexistis.' Magnum crimen senatus. De Theopompo summo homine neglegimus, qui ubi terra-

Garatoni, quoted by Halm, would omit 'et.' Halm says: "At quidni diceret Antonius colonias lege et S. consulto deductas esse, eo scil. quod ipse fecerat? Nam si Ciceronem audias, ne populus quidem eam legem accepit Phil. v. c. 3." Manutius says on 'deductas lege:' "Lege Caesaris, ipso vivo;" and he says on 'lege . . . lata,' Pansa the consul proposed a Lex for confirming all that Caesar had done (Phil. x. c. 8): "quae enim Caesar egit, ea rata esse non curat; de quibus confirmandis et sanciendis legem comitiis centuriatis ex auctoritate nostra laturus est." Manutius read 'lege . . . lata,' as Ferrarius proposed. But in the passage of Phil. x. Cicero is speaking of young Caesar.

in eumque locum] Not to Mutina, but into such a difficulty, 'in eum errorem' (Manutius). Compare Pro Ligario, c. 9, and the note.

Massiliensibus] See Phil. viii. c. 6.

16. *lege Hirtia*] Nothing is known of this Lex, which must have been passed in Caesar's time, when Hirtius was Tr. pl. or Praetor. 'Dictitatis,' I suppose, is a correction of Orelli. The MSS. which are quoted, have 'dignitates' or 'dignatis.'

Apuleiana pecunia] See Phil. x. c. 11.

Petrum] A corrupted name probably. M. Haupt, quoted by Halm, suggests 'Petraeum,' both in this passage and in Caesar, B. C. iii. 35, where the common reading is 'Petreius,' who was a Thessalian. "Nomen hoc Romanum minus convenire Thessalo recte observatum puto a Ciacconio, in cujus libro est *Petreus*. non male Lovan. et Dorv. *Preteus*" (Caesar, ed. Oudendorp). Manutius suggests that these Graeculi had been executed in Greece by M. Brutus.—'non laudamus:' a b i, 'non laudavimus' Lambinus, Halm.

Theopompum] He may be Caesar's friend, mentioned by Cicero (Ad Att. xiii. 7).

rum sit, quid agat, vivat denique an mortuus sit, quis aut scit aut curat? 'Ser. Galbam eodem pugione succinctum in castris videtis.' Nihil tibi de Galba respondeo, fortissimo et constantissimo cive: coram aderit: praesens tibi et ipse et ille quem insimulas pugio respondebit. 'Milites aut meos aut veteranos contraxistis, tamquam ad exitium eorum qui Caesarem occiderant: et eosdem nec opinantes ad quaestoris sui aut imperatoris aut commilitonum suorum pericula impulistis.' Scilicet verba dedimus, decepimus: ignorabat legio Martia, Quarta; nesciebant veterani quid ageretur. Non illi senatus auctoritatem, non libertatem populi Romani sequebantur: Caesaris mortem ulcisci volebant, quam omnes fatalem fuisse arbitrabantur: te videlicet salvum, beatum, florentem esse cupiebant. XVII. O miser quum re, tum hoc ipso, quod non sentis quam miser sis. Sed maximum crimen audite. 'Denique quid non aut probavistis aut fecistis, quod faciat, si reviviscat'—quis? credo enim afferet aliquod scelerati hominis exemplum—'Cn. Pompeius ipse.' O nos turpes, si quidem Cn. Pompeium imitati sumus! 'aut filius ejus, si modo possit.' Poterit, mihi crede, nam paucis diebus et in domum et in hortos paternos immigrabit. 'Postremo negatis pacem posse fieri, nisi aut emisero Brutum aut frumento juvero.' Alii istuc negant; ego vero, ne si ista quidem feceris, umquam tecum pacem huic civitati futuram puto. 'Quid? hoc placetne veteranis istis? quibus adhuc omnia integra sunt.' Nihil vidi tam integrum quam ut oppugnare imperatorem incipiant, quem tanto studio consensuque offenderint. 'Quoniam vos assentationibus et venenatis muneribus venistis.' Depravati an corrupti sunt quibus persuasum sit foedissimum hostem justissimo bello persequi? 'At militibus inclusis opem fertis. Nihil moror eos salvos esse, et ire quo jubetis: tantum modo patiantur perire eum qui

Ser. Galbam] Armed with the dagger with which he killed Caesar. He was one of Caesar's assassins, and once served under him in Gallia (B. G. iii. 1). Ser. Sulpicius Galba was the ancestor of the emperor Galba.

quaestoris sui aut imperatoris] Men who had served under him, when he was either Quaestor or Imperator. 'Quaestoris sui' may refer, as Manutius supposes, to the time when Antonius was Caesar's Quaestor in Gallia (Phil. ii. c. 20).

17. *quid non . . . quod faciat*] Halm, following Madvig and Weiske. The common reading in the printed books was 'fecistis? Quid faciat,' &c.; and perhaps it may be right.—'si modo:' t, Halm. 'si domo a' b, as it stands in some editions.

omnia integra sunt] 'who have full liberty to act as they please,' 'who have not committed themselves;' and various other ways. Antonius means that the Veterani had not yet gone too far; they might still come back to him. Cicero replies: 'I never saw any thing so free from all doubt, so open for men to do, as to begin to attack an Imperator, to whom they have given such studied cause of offence.' Halm writes 'cum tantum studium consensumque ostenderint,' the only authority for which is that t has 'ostenderint.'

quo jubetis] 'quo lubet, si tantum modo patiuntur' Halm. i has 'lubet si tamen.'

meruit.' Quam benigne! denique usi liberalitate Antonii milites imperatorem reliquerunt, et se ad hostem metu perterriti contulerunt, per quos si non stetisset, non Dolabella prius imperatori suo quam Antonius etiam collegae parentasset. 'Concordiae factam esse mentionem scribitis in senatu et legatos esse consulares quinque. Difficile est credere eos, qui me praecipitem egerint aequissimas conditiones ferentem, et tamen ex his aliquid remittere cogitantem, putare aliquid moderate aut humane esse facturos. Vix etiam veri simile est, qui judicaverint hostem Dolabellam ob rectissimum facinus, eosdem nobis parcere posse idem sentientibus.' Parumne videtur omnium facinorum sibi cum Dolabella societatem initam confiteri? Nonne cernitis ex uno fonte omnia scelera manare? Ipse denique fatetur hoc quidem satis acute, non posse eos, qui hostem Dolabellam judicaverint ob rectissimum facinus, ita enim videtur Antonio, sibi parcere idem sentienti. XVIII. Quid huic facias qui hoc litteris memoriaeque mandarit, ita sibi convenisse cum Dolabella ut ille Trebonium, et, si posset, etiam Brutum, Cassium, discruciatos necaret, eademque inhiberet supplicia nobis? O conservandus civis cum tam pio justoque foedere! Is etiam queritur conditiones suas repudiatas, aequas quidem et verecundas; ut haberet Galliam ultimam, aptissimam ad bellum renovandum instruendumque provinciam; ut Alaudae in tertia decuria judicarent, id est, ut perfugium scelerum esset cum turpissimis rei publicae sordibus; ut acta sua rata essent, cujus nullum remanet consulatus vestigium. Cavebat etiam L. Antonio, qui fuerat aequissimus agri privati et publici decempedator Nucula et Lentone collega. 'Quamobrem vos potius animadvertite utrum sit elegantius et partibus utilius, Trebonii mortem persequi an Caesaris, et utrum sit aequius, concurrere nos, quo

denique . . . imperatorem] Said sarcastically. The 'imperatorem' is D. Brutus. —'per quos si non stetisset:' if they had not been in the way, Dolabella would not have made a funeral offering to his Imperator before Antonius had made one to his colleague. Antonius would have killed D. Brutus. The Imperator of Dolabella is the colleague of Antonius, the Dictator C. Caesar.

ex his aliquid] Halm has 'ex iis aliquid.' He does not like 'his.' There are both readings. —'putare:' Manutius thought that 'putare' is superfluous, for 'credere' has been used. Halm remarks that Priscian (xv. 3, 13) quotes 'putare . . . facturos.' But if Antonius wrote thus, he did not write well.

18. *eademque*] a b t. 'eadem' i. Something is defective here. Halm following Klotz puts a 'signum lacunae' after 'necaret.'

Alaudae . . . decuria] See the Index. —'cum . . . sordibus:' "cum summo rei publicae dedecore: hoc enim dici arbitror" (Manutius). I see no other meaning.

decempedator] He has used the word 'metator' before; and 'decempeda' (Pro Milone, c. 27). 'Decempedator' perhaps only occurs here.

concurrere] 'to engage in war,' as the word is sometimes used.—'utrum, inquit, elegantius:' Cicero finds fault with the expression: "tuetur istud contra Tulliam

facilius reviviscat Pompeianorum caussa toties jugulata, an consentire ne ludibrio simus inimicis.' Si esset jugulata, numquam exsurgeret: quod tibi tuisque contingat. 'Utrum,' inquit, 'elegantius.'—atqui hoc bello de elegantia quaeritur—'partibusque utilius.' Partes, furiose, dicuntur in foro, in curia. Bellum contra patriam nefarium suscepisti: oppugnas Mutinam: circumsedes consulem designatum: bellum contra te duo consules gerunt, cumque his pro praetore Caesar: cuncta contra te Italia armata est. Istas tu partes potius quam a re publica defectionem vocas? 'Potius Trebonii mortem an Caesaris persequimur?' Trebonii satis persecuti sumus hoste judicato Dolabella: Caesaris mors facillime defenditur oblivione et silentio. Sed videte quid moliatur. Quum mortem Caesaris ulciscendam putat, mortem proponit non iis solum, qui illam rem gesserunt, sed iis etiam si qui non moleste tulerunt. XIX. 'Quibus, utri nostrum ceciderint, lucro futurum est. Quod spectaculum adhuc ipsa Fortuna vitavit, ne videret unius corporis duas acies lanista Cicerone dimicantes, qui usque eo felix est ut iisdem ornamentis deceperit vos, quibus deceptum Caesarem gloriatus est.' Pergit in mea maledicta, quasi vero ei pulcherrime priora processerint, quem ego inustum verissimis maledictorum notis tradam hominum memoriae sempiternae. Ego 'lanista?' et quidem non insipiens; deteriores enim jugulari cupio, meliores vincere. 'Utri ceciderint,' scribit, lucro nobis futurum. O praeclarum lu-

P. Victorius libro xxii Var. lect. c. 8" (Gruter). If this was all the fault that Cicero could find with Antonius' Latin, we conclude that Antonius could write well, and that Cicero is guilty of falsehood, when he accuses him, as he does, of stupidity and want of breeding. Forcellini (v. Eleganter) refers to an instance in Livy 37, c. 1: "elegantius facturos, dixit, si judicio patrum quam sorti eam rem permisissent."

Partes . . . dicuntur in foro] 'We speak of Partes in the forum, in the senate;' but this is war. See c. 20, "Quodsi partium certamen," &c. This is a common use of 'partes,' which we have adopted, following the French (parti) I suppose.

cumque his] 'cumque iis' Halm. The MSS. as usual are divided.

Potius . . . persequimur] codd., but i has 'potiusne.' "Ego ut quod sentio libere dicam, non enim tibi quid in libris reponas, sed quid mihi videatur expono, sic arbitror Ciceronem scriptum reliquisse 'Trebonii mortem an Caesaris persequi:' ut ad singulos Antonii epistolae articulos accedat, eademque verba repetat, ut proximis locis facit" (Ferrarius). Halm follows Ferrarius, who did not however alter the text. Faernus thinks that we cannot get rid of the 'mur' in 'persequimur;' and he proposes 'potius ne Trebonii mortem . . . persequi? mortem Trebonii satis,' &c. This is ingenious, but I doubt if Cicero would have thought it an improvement to write 'mortem Trebonii satis,' &c.

19. *lanista*] Cicero is the trainer of the gladiators, and he matches them, and looks on while they fight.—'ornamentis:' by the honours which Cicero had proposed.

Pergit in mea] b i. There is a reading 'in me' and 'in.' Schuetz wrote 'in me.' Halm thinks that it should be 'in me maledicta jacere (vel jactare).' I think the text may be right. Cicero sometimes says 'pergamus ad reliqua.'

lucro nobis futurum] Here Cicero does not repeat the words: he explains whom Antonius means by 'inimicis,' Cicero himself and his friends.

crum! quo te victore, quod dii omen avertant, beata mors eorum futura sit, qui e vita excesserint sine tormentis. A me deceptos ait 'iisdem ornamentis' Hirtium et Caesarem. Quod, quaeso, adhuc a me est tributum Hirtio ornamentum? nam Caesari plura et majora debentur. Deceptum autem patrem a me Caesarem dicere audes? Tu, tu, inquam, illum occidisti Lupercalibus, cujus, homo ingratissime, flaminium cur reliquisti? Sed jam videte magni et clari viri admirabilem gravitatem atque constantiam. 'Mihi quidem constat nec meam contumeliam nec meorum ferre, nec deserere partes, quas Pompeius odivit, nec veteranos sedibus suis moveri pati, nec singulos ad cruciatum trahi, nec fallere fidem quam dedi Dolabellae.' Omitto alia: 'fidem Dolabellae,' sanctissimi viri, deserere homo pius non potest. Quam fidem? an optimi cujusque caedis, urbis et Italiae partitionis, vastandarum diripiendarumque provinciarum? Nam quid erat aliud quod inter Antonium et Dolabellam, impurissimos parricidas, foedere ac fide sanciretur? 'Nec Lepidi societatem violare, piissimi hominis.' Tibi cum Lepido societas, aut cum ullo, non dicam bono cive, sicut ille est, sed homine sano? Id agis ut Lepidum aut impium aut insanum existimari velis. Nihil agis—quamquam affirmare de altero difficile est—de Lepido praesertim, quem ego metuam numquam, bene sperabo, dum licebit. Revocare te a furore Lepidus voluit, non adjutor esse dementiae. Tu porro ne pios quidem, sed piissimos quaeris, et, quod verbum omnino

Hirtium et Caesarem] Cicero says that no honours have been conferred on Hirtius upon his proposal; and as to Caesar, he says that he deserves more than he has yet had ('nam Caesari,' &c.).—'patrem' om. Halm.

I do not recollect if we have any evidence that Cicero took an active part in conferring on the Dictator Caesar the extraordinary honours which the senate conferred on him near the end of his life; but he may have done so, and I suppose that he did not oppose them.

Lupercalibus] See Introd. p. 451.—'flaminium:' a b, but with 'mm.' The other readings are 'flamonium,' 'flaminia.' Ferrarius says that perhaps 'flaminium' is right. He was a judicious and cautious critic. He shows that the office of 'Flamen' was 'flaminium.' As to Antonius' Flaminium see p. 451, and Phil. ii. c. 43.

odivit] An unusual form, but probably genuine, and it implies a verb 'odi—.'

vastandarum] 'b t et cod. Lambini' (Halm). The readings 'suas dandarum,' and 'sententias dandarum' are corrupt. Ferrarius wrote 'suis dandarum:' he says that some MSS. have 'suis.'

de altero difficile est] He had ventured to promise for young Caesar; but he did not know Caesar as well as he knew Lepidus. Probably he already suspected Lepidus, and he soon found him out to be a fool and a knave. On the last day of June (B.C. 43) Lepidus was unanimously declared to be an enemy by the senate (Ad Div. xii. 10, letter to Cassius, written after Antonius' defeat at Mutina).—i has 'de aliquo difficile est,' but the proper word is 'altero.'

piissimos] The word was often used after Cicero's time. On inscriptions there is also 'pientissimus' (Fabretti, Inscript. p. 133, 135, 136, &c.; ed Rom. 1699) and 'piissimus.' I do not know if there is any inscription with 'pientissimus' or 'piissimus' as early as Cicero's time (B.C. 43). "Aliter locum legisse videtur Pompeius in Commento artis Donati, qui p. 131 ed. Lind. haec habet: '*Pius piissimus* duos habet gradus positivum et superlativum. Quamquam et hoc *piissimus* vituperat Cicero in Philippicis. Dicit: *Non potest piissimus dici per rerum naturam.* Insul-

nullum in lingua Latina est, id propter tuam divinam pietatem novum inducis. 'Nec Plancum prodere, participem consiliorum.' Plancum participem? cujus memorabilis ac divina virtus lucem affert rei publicae—nisi forte eum subsidio tibi venire arbitraris cum fortissimis legionibus, maximo equitatu peditatuque Gallorum—quique, nisi ante ejus adventum rei publicae poenas dederis, ille hujus belli feret principatum. Quamquam enim prima praesidia utiliora rei publicae sunt, tamen extrema sunt gratiora. XX. Sed jam se colligit et ad extremum incipit philosophari. 'Si me rectis sensibus euntem dii immortales, ut spero, adjuverint, vivam libenter. Sin autem me aliud fatum manet, praecipio gaudia suppliciorum vestrorum. Namque si victi Pompeiani tam insolentes sunt, victores quales futuri sint vos potius experiemini.' Praecipias licet gaudia, non enim tibi cum Pompeianis, sed cum universa re publica bellum est. Omnes te dii, homines summi medii infimi, cives, peregrini, viri, mulieres, liberi, servi oderunt. Sensimus hoc nuper falso nuntio; vero propediem sentiemus. Quae si tecum ipse recolueris, aequiore animo et majore consolatione moriere. 'Denique summa judicii mei spectat huc, ut meorum injurias ferre possim, si aut oblivisci velint ipsi fecisse, aut ulcisci parati sunt una nobiscum Caesaris mortem.' Hac Antonii sententia cognita, dubitaturumne A. Hirtium aut C. Pansam consules putatis quin ad Antonium transeant, Brutum obsideant, Mutinam expugnare cupiant? Quid de Pansa et Hirtio loquor? Caesar, singulari pietate adolescens, poteritne se tenere quin D. Bruti sanguine poenas patrias persequatur? Itaque fecerunt uti his litteris lectis ad munitiones propius accederent;

tabat Antonio: *Tu*, ait, *utere* (*uteris?*) *semper hoc verbo piissimus*. Tamen Caper ille magister Augusti Caesaris laboravit vehementissime et de Epistulis Ciceronis collegit haec verba, ubi dixerat ipse Cicero *piissimus*. Scias, quoniam amaritudine rhetorica hoc ei objecerat, ut diceret: *non potest per rerum* naturam dici piissimus" (Halm). Pompeius certainly did not get this miserable language out of this oration.

Plancum participem?] Another treacherous fellow, who deceived Cicero. The correspondence between Cicero and Plancus is in the tenth book of the letters (Ad Div.). The letter of Plancus (x. 24), even of the 27th of June (B.C. 43), assures Cicero of Plancus' fidelity; but M. Lepidus had joined Antonius, and Plancus was in a difficult position. He went over to the other side; but he was not so much to blame as Lepidus.—'nisi forte eum subsidio tibi venire:' Plancus did this a few months after.

quique . . . ille] "*ille* delevit Ernesti cum ed. Gryph.; at v. Madvig. ad Cic. de finn. p. 742 sq." (Halm).

20. *praecipio gaudia*] 'I rejoice by anticipation over your punishment.'—'vos potius:' you of the Caesarian party, as Manutius says, for the letter is addressed to Hirtius and Caesar.

parati sunt] Halm says that his MSS. have 'sunt.' 'Sint' is the common reading. The change from the subjunctive 'velint,' to the indicative 'sunt,' is not unusual in such sentences, if we may trust the MSS.; and a distinction may be made in the meaning of each clause.

dubitaturumne A. Hirtium aut] 'dubitaturosne A. Hirtium' i. See Pro Sulla, c. 2, note on 'dubitare.'

Itaque fecerunt . . . accederent] This is

quo major adolescens Caesar majoreque deorum immortalium beneficio rei publicae natus est, qui nulla specie paterni nominis nec pietate abductus umquam est, sed intelligit maximam pietatem conservatione patriae contineri. Quod si partium certamen esset, quarum omnino nomen exstinctum est, Antoniusne potius et Ventidius partes Caesaris defenderent quam primum Caesar, adolescens summa pietate et memoria parentis sui, deinde Pansa et Hirtius. qui quasi cornua duo tenuerunt Caesaris tum quum illae vere partes vocabantur? Hae vero quae sunt partes, quum alteris senatus auctoritas, populi Romani libertas, rei publicae salus proposita sit, alteris caedes bonorum, urbis Italiaeque partitio? XXI. Veniamus aliquando ad clausulam. 'Legatos venire non credo.' Bene me novit—quod venias, proposito praesertim exemplo Dolabellae. Sanctiore erunt, credo, jure legati quam duo consules, contra quos arma fert, quam Caesar cujus patris flamen est, quam consul designatus quem oppugnat, quam Mutina quam obsidet, quam patria cui igni ferroque minitatur. 'Quum venerint, quae postulent cognoscam.' Quin tu abis in malam pestem malumque cruciatum? Ad te quisquam veniat nisi Ventidii similis? Oriens incendium qui restinguerent summos viros misimus: repudiasti: nunc in tantam flammam tamque inveteratam mittamus, quum locum tibi reliquum non modo ad pacem, sed ne ad deditionem quidem feceris?

Hanc ego epistolam, patres conscripti, non quo illum dignum putarem recitavi, sed ut confessionibus ipsius omnia patefacta ejus parricidia videretis. Cum hoc pacem M. Lepidus, vir ornatissimus omnibus et virtutis et fortunae bonis, si haec videret, denique aut

the answer to the sarcastic supposition. 'Accordingly, when they had read this letter, they – approached nearer to Antonius' lines, to attack him.' This was the answer. Caesar was not ready yet to join Antonius.

sed intelligit] Halm. 'et' a b t. om. i.

quarum ... nomen extinctum est] What a mistake he made here! or he did not believe what he said.—'quasi cornua:' a military metaphor. They supported Caesar's 'cornua' or flanks, when Caesar's was really a party question.

21. *quod venias*] This is corrupt. Several attempts have been made to correct it with the aid of the other readings, 'velim quo venias,' and 'bellum quod veniat' or 'veniant.' Halm has left it as it stands in the text, and I have done the same.

Sanctiore . . . jure] 'The law will be more respected I suppose in the persons of the Legati than in those of the two consuls.' This is one of the various uses of the Latin ablative.—a b[2] t i have 'sanctiores;' but though all the editions had 'sanctiores,' as Graevius says, and most of the MSS., he properly preferred 'sanctiore' on the authority of the 'optimus codex Coloniensis.' Cicero means the 'jus legatorum,' which will be 'sanctius,' or rather not 'sanctius.'—'flamen:' see c. 19, note on 'flaminium.'

igni ferroque] 'ignem ferrumque' (Ferrarius). "Ut conjecit Ferrarius, sic scriptum inveni in meo veterrimo codice, et editum a Faerno, Mureto, Manutio, Lambino" (Graevius). See Phil. xi. c. 11, and the note on 'minitari.'—'inveteratam:' see the Index.

illum dignum] He means 'dignum cujus epistolam recitarem.'

vellet fieri aut posse arbitraretur? 'Prius undis flamma,' ut ait poeta nescio quis, prius denique omnia quam aut cum Antoniis res publica, aut cum re publica Antonii redeant in gratiam. Monstra quaedam ista et portenta sunt [et prodigia] rei publicae. Moveri sedibus huic urbi melius est, atque in alias si fieri possit terras demigrare, unde Antoniorum nec facta nec nomen audiat, quam illos Caesaris virtute ejectos, Bruti retentos, intra haec moenia videre. Optatissimum est vincere: secundum est nullum casum pro dignitate et libertate patriae non ferendum putare. Quod reliquum est non est tertium, sed postremum omnium, maximam turpitudinem suscipere vitae cupiditate. Quae quum ita sint, de mandatis litterisque M. Lepidi, viri clarissimi, Servilio assentior, et hoc amplius censeo, Magnum Pompeium, Cnaei filium, pro patris majorumque suorum animo studioque in rem publicam suaque pristina virtute, industria, voluntate fecisse quod suam eorumque quos secum haberet operam senatui populoque Romano pollicitus esset, eamque rem senatui populoque Romano gratam acceptamque esse, eique honori dignitatique eam rem fore. Hoc vel conjungi cum hoc senatusconsulto licet, vel sejungi potest separatimque perscribi, ut proprio senatusconsulto Pompeius collaudatus esse videatur.

Prius undis flamma] This was a proverb, and used by Augustus when he said that he would never allow his daughter Julia to return to Rome, as Dion tells us (55, c. 13): *θᾶσσον, ἔφη, πῦρ ὕδατι μιχθήσεσθαι ἢ ἐκείνην καταχθήσεσθαι* (Muretus, In Ciceronis Phil. Schol.).

[*et prodigia*]] b² (m. 2) a i, 'prodigia' a b¹. Halm treats [prodigia] thus as a glossema, and omits the 'et.'

nec facta nec nomen] He alludes to a passage of an old play:

"—— ubi
Nec Pelopidarum nomen nec facta audiam." (Muretus.)

INTRODUCTION TO THE FOURTEENTH PHILIPPIC.

THIS speech was delivered on the 21st of April, B.C. 43, on the occasion of the news which had arrived the day before of the fights in Gallia Cisalpina between M. Antonius and the forces of the senate (c. 5, 6, and the notes). A letter from Ser. Galba to Cicero (Ad Div. x. 30) tells what took place on the day of the battle; but Appian's narrative is much better (B. C. iii. 66—70).

When Pansa was advancing to Mutina, Caesar and Hirtius sent Carsuleius to meet him, with the Praetoriae cohortes of Caesar and the Legio Martia, in order to protect him in his march through the mountain passes, which Antonius had intentionally neglected to occupy. Antonius not being able to make much use of his cavalry, because the plain country was marshy and intersected by ditches, placed his two best legions on each side of the narrow causeway, where they were covered by the reeds. This causeway was the Via Aemilia, which ran in a straight line from Ariminum through Bononia and Forum Gallorum to Mutina. Carsuleius and Pansa got through the passes in the night, and at daybreak the Martia and five other cohorts came on the Via Aemilia, along which they marched without seeing any enemy, but keeping a look out on the marsh *on each side*. The stirring of the reeds soon gave them the alarm, and the flash of a helmet and a shield was seen here and there; and all at once the Praetoriae cohortes of Antonius appeared in front. The soldiers of the Martia thus being hemmed in on all sides, and having no chance of escape, called out that the newly-levied troops (Tirones), when they should come up, should not join them, for they feared that their want of experience might throw the Martia into confusion. The Praetoriae of Caesar were opposed to the Praetoriae of Antonius; and the Martia forming two divisions entered the marsh on each side of the road, each division being commanded respectively by Pansa and Carsuleius. Thus there were two fights, and the combatants on one side of the road could not see what was done on the other side. The Praetoriae were engaged in a third fight on the road itself.

The battle was fought with great obstinacy, at close quarters; for the marshes and the ditch did not permit any movements of the troops. It was a fight hand to hand with the sword, and every blow brought death. When one man fell he was carried off, and another took his place. The Tirones came up during the fight, and saw with amazement this terrible contest carried on in perfect order and silence.

The Praetorii of Caesar were entirely destroyed. The Martii under Carsuleius defeated the legion which was opposed to them; and those under Pansa held out bravely till Pansa was wounded and carried out of the fight to Bononia. His men at first fell back slowly, but their retreat soon became a flight. The Tirones upon this flew in confusion to the entrenched camp, which the Quaestor Torquatus had formed during the battle. The Martii halted outside of the entrenchments, and though exhausted showed that they were still ready to renew the fight. Antonius let them alone, knowing that they were dangerous enemies; but he fell on the Tirones, and killed a great number of them.

Hirtius, who was before Mutina, hearing of the battle, which had been fought sixty stadia or seven miles and a half distant (at Forum Gallorum), hurried to the spot with the other legion which had revolted from Antonius. It was now late in the evening, and Antonius' men were returning full of joy for their victory. Hirtius fell on them unexpectedly, when they were in disorder, with a complete, fresh legion. They made however a stout resistance, but were beaten, and a great many of them were killed. Hirtius did not pursue the enemy, for fear of being entangled in the marshes. Antonius spent the night in a small place near the battle ground. The name of the place was Forum Gallorum, now Castel Franco. About half the men fell on each side, except the Praetorii of Caesar, who were entirely destroyed, and except the few whom Hirtius lost. It is said in a letter from Pollio to Cicero (Ad Div. x. 33) that D. Carfulenus was killed. This is the man mentioned in Phil. iii. c. 9, and the same whom Appian names Carsuleius.

The story of these fights is told shortly by Dion Cassius (46, c. 37). The battle was fought on the 15th of April, according to the date in Galba's letter. The battle before Mutina in which Hirtius was killed and Antonius was defeated, was fought after the delivery of this oration, the last of Cicero's extant Philippicae.

It is not likely that Cicero discontinued his efforts in the senate after he had delivered this speech, and there is some evidence that there were other Philippicae (p. 458). However, we have now nothing more by him except a few letters written after the 21st of April (p. 447). He was murdered during the proscription of this year, B.C. 43, in the month of December ("VII Idus Decembres occisus est," Tacit. Dialog. De Or. c. 17), and in the sixty-fourth year of his age.

The MS. v which is quoted in the notes to this oration is thus described by Halm:—

"v = codex Vaticanus num. 3227, qui est ex vetustioribus Italicis. Librum xiv in nostrum usum gratis excussit E. Freiburgerus."

ORATIONUM PHILIPPICARUM

LIBER QUARTUSDECIMUS.

I. Si, ut ex litteris quae recitatae sunt, patres conscripti, sceleratissimorum hostium exercitum caesum fusumque cognovi, sic id, quod et omnes maxime optamus et ex ea victoria quae parta est consecutum arbitramur, D. Brutum egressum jam Mutina esse cognovissem, propter cujus periculum ad saga issemus, propter ejusdem salutem redeundum ad pristinum vestitum sine ulla dubitatione censerem. Ante vero quam sit ea res quam avidissime civitas exspectat allata, laetitia frui satis est maximae praeclarissimaeque pugnae: reditum ad vestitum confectae victoriae reservate. Confectio autem hujus belli est D. Bruti salus. Quae autem est ista sententia ut in hodiernum diem vestitus mutetur, deinde cras sagati prodeamus? Nos vero quum semel ad eum quem cupimus optamusque vestitum redierimus, id agamus ut eum in perpetuum retineamus. Nam hoc quidem quum turpe est, tum ne diis quidem immortalibus gratum, ab eorum aris ad quas togati adierimus ad saga sumenda discedere. Atque animadverto, patres conscripti, quosdam huic favere sententiae, quorum ea mens idque consilium est ut, quum videant gloriosissimum illum D. Bruto futurum diem, quo die propter ejus salutem redierimus [ad vestitum], hunc [tantum] ei fructum eripere cupiant, ne memoriae posteritatique prodatur propter unius civis periculum populum Romanum ad saga isse, propter ejusdem salutem redisse ad togas. Tollite hanc:

1. *sceleratissimorum... cognovi*] Quoted by Nonius (Ferrarius, Halm), but with the variation 'fusum caesumque,' one of the most common kind of variations, the transposition of two words.

[*ad vestitum*]] i, om. a b t v. The cod. Mauritianus has 'ad togam,' which Halm calls an interpolation. It seems doubtful if Cicero used 'redierimus' without some preposition and noun after it.—'hunc [tantum]:' Halm only cites i as having 'tantum.'

nullam tam pravae sententiae caussam reperietis. Vos vero, patres conscripti, conservate auctoritatem vestram, manete in sententia, tenete vestra memoria, quod saepe ostendistis, hujus totius belli in unius viri fortissimi et maximi vita positum esse discrimen. II. Ad D. Brutum liberandum legati missi principes civitatis, qui illi hosti ac parricidae denuntiarent ut a Mutina discederet: ejusdem D. Bruti conservandi gratia consul sortitu ad bellum profectus A. Hirtius, cujus imbecillitatem valetudinis animi virtus et spes victoriae confirmavit: Caesar quum exercitu per se comparato a primis pestibus rem publicam liberasset, ne quid postea sceleris oriretur, profectus est ad eundem Brutum liberandum vicitque dolorem aliquem domesticum patriae caritate. Quid C. Pansa egit aliud delectibus habendis, pecuniis comparandis, senatusconsultis faciendis gravissimis in Antonium, nobis cohortandis, populo Romano ad caussam libertatis vocando, nisi ut D. Brutus liberaretur? a quo populus Romanus frequens ita salutem D. Bruti una voce depoposcit, ut eam non solum commodis suis, sed etiam necessitati victus anteferret. Quod sperare nos quidem debemus, patres conscripti, aut inibi esse aut jam esse confectum: sed spei fructum rei

2. *sortitu*] There are 'sortitu' and 'sortito,' as there are 'fortuito' and 'fortuitu.' It was determined by lot that Hirtius should go to Mutina first. Graevius remarks that Manutius and Muretus kept the common reading 'consules sortiti: ad bellum profectus,' &c.

quum exercitu . . . liberasset] a b t v have 'cum (eum v) primis pestibus;' i has 'a primis pestibus;' 'tum primis pestibus' Ferrarius; "at videtur gravius vulnus latere, fort. *compressis pestibus*" (Halm). Manutius supposes that the 'primae pestes' is Antonius' return from Brundisium.

dolorem . . . domesticum] Caesar's sorrow for his great uncle's murder. Cicero calls it 'aliquem,' which is difficult to render in such a way as to express the meaning. But Caesar felt more than Cicero supposed, or he pretended that he felt the wrong done to the Dictator, and he soon let the Romans know it.

necessitati victus] I am not sure what he means. There may have been a dearth, and provisions may have been dear. The treasury was ill provided with money, and the Ludi could not be celebrated in the usual way (Dion 46, c. 31).

inibi] 'Quod sperare' refers to 'ut D. Brutus liberaretur.' 'Inibi' means, says Ferrarius, that which is not yet done, but is very near being done. 'Inibi' occurs in the De Leg. Agrar. i. c. 7, but not in the sense which it has here.—'eventui:' 'evento' b, Halm, 'vento' t.—'vim fortunae:' so Caesar says (B. G. vi. 35): "Hic quantum in bello fortuna possit . . . cognosci potuit." Demosthenes (*περὶ τῆς Εἰρήνης*, c. 3): *δι' εὐτυχίαν, ἣν συμπάσης ἐγὼ τῆς ἐν ἀνθρώποις οὔσης δεινότητος καὶ σοφίας ὁρῶ κρατοῦσαν.* He has the same again in the Second Olynthiac (§ 22), where he says that in all human affairs the power of fortune to turn the scale is great, or rather it is every thing; and he has the strange remark that he would still prefer the fortune of Athens, if the people were only willing to do what they ought, to king Philip's fortune; for he sees that Athens has much better means of securing the favour of the gods than Philip has. I don't quote this because I suppose that Cicero borrowed what he says. He is using the common language of mankind, and we have in these passages and other passages the evidence of the same notions having always existed in men's minds. (Sallust, Cat. c. 8; Livy ix. c. 17.) If we wish to determine exactly what these writers meant by Fortune's power, we shall find that it was either a superstitious notion, or they spoke in agreement with popular notions, or they chose to express in a popular way what they could have expressed, if they had chosen, in

convenit et eventui reservari, ne aut deorum immortalium beneficium festinatione praeripuisse aut vim fortunae stultitia contempsisse videamur.

Sed quoniam significatio vestra satis declarat quid hac de re sentiatis, ad litteras veniam quae sunt a consulibus et a pro praetore missae, si pauca ante quae ad ipsas litteras pertineant dixero. III. Imbuti [sanguine] gladii sunt, patres conscripti, legionum exercituumque nostrorum vel madefacti potius duobus duorum consulum, tertio Caesaris praelio. Si hostium fuit ille sanguis, summa militum pietas; nefarium scelus, si civium. Quousque igitur is, qui omnes hostes scelere superavit, nomine hostis carebit? nisi mucrones etiam nostrorum militum tremere vultis dubitantes utrum in cive an in hoste figantur. Supplicationem decernitis: hostem non appellatis. Gratae vero nostrae diis immortalibus gratulationes erunt, gratae victimae, quum interfecta sit civium multitudo! '*De* improbis,' inquit, 'et audacibus:' nam sic eos appellat clarissimus vir; quae sunt urbanarum maledicta litium, non inustae *belli* internecini notae. Testamenta, credo, subjiciunt, aut ejiciunt vicinos aut adolescentulos circumscribunt, his enim vitiis affectos et talibus malos et audaces appellare consuetudo solet. Bellum inexpiabile infert quattuor consulibus unus omnium latronum taeterrimus; gerit idem bellum cum senatu populoque Ro-

a way conformable to the real nature of things. Polybius cut short this kind of talk when he says (ii. 38) of the origin of the Achaean power: "It is plain that there would be no propriety in speaking of fortune, for that would be trifling; but we must rather seek for a cause; for without a cause neither any thing that happens according to expectation, nor any thing that happens contrary to expectation, can possibly take place."

significatio vestra] The signs of assent which the senate made.

3. [*sanguine*]] om. a b t v. 'Madefacti,' as Manutius remarks, is less than 'imbuti.' Cicero corrects his expression in order to show that the swords of the legions had not yet had enough of the enemy's blood.

duobus duorum consulum] These were the battles fought on the 15th of April at Forum Gallorum (Castel Franco), between the troops of Pansa and Hirtius on one side, and the soldiers of M. Antonius on the other. They are the two battles which Ser. Galba describes in the letter to Cicero (Ad Div. x. 30). The letter is dated on the 20th of April, and could not be received by Cicero before the 21st of April, on which day he delivered this speech. But there may be an error in the text in the date of the letter. Appian's story (B. C. iii. 66—70; Introd. to Phil. xiv.) is much clearer than Galba's. Pansa was wounded in the first *battle*, and carried to Bononia (Bologna). The battle which Cicero calls Caesar's was fought in defence of the camp (c. 14) at Mutina, *while* Hirtius had gone to help Pansa (Dion 46, c. 37).

clarissimus vir] P. Servilius. *He had* not called them 'hostes.'

inustae belli internecini notae] Halm; who says 'scripsi.' But Ferrarius has this reading. Halm has 'internecivi' in place of 'internecini.' Muretus preferred 'non justae' to 'inustae.'

Testamenta, subjiciunt] They are will-forgers, I suppose, or men who oust their neighbours from their land, or cheat *young* men. Halm writes 'malos aut audaces.'

quattuor consulibus] Pansa and Hirtius, and the two Designati D. Brutus and L. Plancus; but L. Plancus was out of the way in Transalpine Gallia.

mano: omnibus, quamquam ruit ipse suis cladibus, pestem, vastitatem, cruciatum, tormenta denuntiat: Dolabellae ferum et immane facinus, quod nulla barbaria posset agnoscere, id suo consilio factum esse testatur: quaeque esset facturus in hac urbe, nisi eum hic ipse Jupiter ab hoc templo atque his moenibus reppulisset, declaravit in Parmensium calamitate, quos optimos viros honestissimosque homines, maxime cum auctoritate hujus ordinis populique Romani dignitate conjunctos, crudelissimis exemplis interemit propudium illud et portentum L. Antonius, insigne odium omnium hominum, vel, si etiam dii oderunt quos oportet, omnium deorum. Refugit animus, patres conscripti, eaque dicere reformidat, quae L. Antonius in Parmensium liberis et conjugibus effecerit. Quas enim turpitudines Antonii libenter cum dedecore subierunt, easdem per vim laetantur aliis se intulisse. Sed vis calamitosa est quam illis intulerunt: libido flagitiosa, qua Antoniorum oblita est vita. IV. Est igitur quisquam qui hostes appellare non audeat, quorum scelere crudelitatem Karthaginiensium victam esse fateatur? Qua enim in urbe tam immanis Hannibal capta quam in Parma surrepta Antonius? nisi forte hujus coloniae et ceterarum, in quas eodem est animo, non est hostis putandus. Si vero coloniarum et municipiorum sine ulla dubitatione hostis est, quid tandem hujus censetis urbis, quam ille ad explendas egestates latrocinii sui concupivit? quam jam peritus metator et callidus decempeda sua Saxa diviserat? Recordamini, per deos immortales! patres conscripti, quid hoc biduo timuerimus a domesticis hostibus rumoribus improbissi-

ruit ipse suis cladibus] As Horace says (Epod. 16):

"Suis et ipsa Roma viribus ruit."

reppulisset] i t v.—'Parmensium calamitate:' the plundering of Parma is alluded to in a letter of Pollio to Cicero (Ad Div. x. 33); but I find nothing more about it. There is an allusion in Phil. x. to the three towns which Antonius held (c. 5, and the note).

propudium] b, and Ferrarius had made the conjecture. The other readings are 'proludium' and 'praeludium.' 'Propudium' is used by Plautus.

Quas turpitudines Antonii] A bit of scandalous abuse, which he has often repeated.

4. *quid tandem hujus censetis urbis*] 'What, I ask you, do you think that he is to this city; an enemy or what?' The genitive 'hujus urbis' refers to the genitives 'coloniarum et municipiorum.'

decempeda . . . Saxa] See Phil. xi. c. 5.—'hoc biduo:' 'within the last two days.' It is the same rumour, as it appears, which he speaks of again in c. 6: "hoc triduo vel quatriduo." The rumours were set abroad by the enemies within the walls, 'domestici hostes.' After 'hostibus' the MSS. have 'id est qui intra moenia hostes sunt.' Ferrarius removed it as a glossema. His note is in the old style: "Dii malefaciant isti imperitorum generi, qui sub omnibus rebus glossemata subscribunt, quae causa libros mendis refersit, sed quaedam tamen ita perspicua ut fugere neminem possint nisi eum qui plane caecus ignorantia sit aut certe omnibus in rebus conniveat." Halm places a comma after 'timuerimus.' In some books it is placed after 'hostibus.' I leave it out, not thinking that any one will be ingenious enough to get wrong.

mis dissipatis. Quis liberos, quis conjugem aspicere poterat sine fletu? quis domum, quis tecta, quis larem familiarem? Jam aut foedissimam mortem omnes aut miserabilem fugam cogitabant. Haec a quibus timebantur, eos hostes appellare dubitamus? Gravius si quis attulerit nomen, libenter assentiar: hoc vulgari contentus vix sum; leviore non utar.

Itaque quum supplicationes justissimas ex iis litteris quae recitatae sunt decernere debeamus, Serviliusque decreverit, augebo omnino numerum dierum, praesertim quum non uni, sed [communiter] tribus ducibus sint decernendae. Sed hoc primum faciam ut imperatores appellem eos, quorum virtute, consilio, felicitate maximis periculis servitutis atque interitus liberati sumus. Etenim cui viginti his annis supplicatio decreta est ut non imperator appellaretur, aut minimis rebus gestis aut plerumque nullis? Quamobrem aut supplicatio ab eo qui ante dixit decernenda non fuit, aut usitatus honos pervulgatusque tribuendus iis, quibus etiam novi singularesque debentur. V. An, si quis Hispanorum aut Gallorum aut Thracum mille aut duo millia occidisset, eum hac consuetudine quae increbuit imperatorem appellaret senatus; tot legionibus caesis, tanta multitudine hostium interfecta:—hostium dico? ita inquam, hostium, quamvis hoc isti hostes domestici nolint—clarissimis ducibus supplicationum honorem tribuemus, imperatorium nomen adimemus? Quanto enim honore, laetitia, gratulatione in hoc templum ingredi debent illi ipsi hujus urbis liberatores, quum hesterno die propter eorum res gestas me ovantem et prope triumphantem populus Romanus in Capitolium domo tulerit, domum inde reduxerit? Is enim demum est mea quidem sententia justus triumphus ac verus, quum bene de re publica meritis testimonium a consensu civitatis datur. Nam sive in communi gaudio populi Romani uni gratulabantur, magnum judicium; sive uni gratias

supplicationes justissimas] Complete, perfect, such as a 'supplicatio' should be, when it is well deserved. Shortly after he speaks of a 'justus triumphus et verus.' Servilius had moved (decrevit) that there should be a 'supplicatio.' This is an example of the use of 'decernere' which has occurred before; the word means not only that the senate 'decernit' or makes a 'decretum,' but also that a senator moves that a 'decretum' shall be made. The expression 'ex litteris . . . decernere' is one of the ordinary forms: "ob easque res ex litteris Caesaris dies quindecem supplicatio decreta est" (B. G. ii. c. 35). See De Provinciis Cons. c. 10 and 11, and the note on 'Supplicationes.'

5. *Thracum*] 'Threcum' t v, Halm.—'increbuit:'-"*increpuit* a (nullis ex meis *increbruit* habet)" (Halm). See Verr. ii. 2, c. 3, and the note on 'increbuit.'—'hostium dico? ita inquam, hostium:' this is the reading of two very old MSS. which F. Ursini possessed. Halm, I suppose, doubts the Italian's veracity, when he writes, "2 codd.? Ursini;" and he has done it before. I do not know whether Ursini was a truthful man, but I am inclined to think so.

hesterno die] They knew of Antonius' defeat the day before, April 20, or they would not have rejoiced; and in c. 6 he tells us that the news came on that day.

agebant, eo majus; sive utrumque, nihil magnificentius excogitari potest.

Tu igitur ipse de te? dixerit quispiam. Equidem invitus, sed injuriae dolor fecit me praeter consuetudinem gloriosum. Nonne satis est ab hominibus virtutis ignaris gratiam bene merentibus non referri? etiam in eos, qui omnes suas curas in rei publicae salute defigunt, crimen invidiaque quaeretur? Scitis enim per hos dies creberrimum fuisse sermonem, me Parilibus, qui dies hodie est, cum fascibus descensurum. In aliquem credo hoc gladiatorem aut latronem aut Catilinam esse confictum, non in eum, qui ne quid tale in re publica fieri posset effecerit. An ut ego, qui Catilinam haec molientem sustulerim, everterim, afflixerim, ipse exsisterem repente Catilina? Quibus auspiciis istos fasces augur acciperem? quatenus haberem, cui traderem? Quemquamne fuisse tam sceleratum qui hoc fingeret, tam furiosum qui crederet? Unde igitur ista suspicio, vel potius unde iste sermo? VI. Quum, ut scitis, hoc triduo vel quatriduo tristis a Mutina fama manaret, inflati laetitia atque insolentia impii cives unum se in locum, ad illam curiam, viribus potius

crimen invidiaque quaeretur] This is what Faernus proposed. It may not be exactly what Cicero wrote, but it is near enough to give us his meaning. Some MSS. have 'impetus' before 'crimen,' but it is corrupt. It may represent 'impietatis,' as Halm suggests. Cicero says 'quibus auspiciis istos fasces augur acciperem?' It would have been an act of irreligion as well as a usurpation.

Parilibus] t, Halm. This reading removes the difficulty caused by the reading 'per idus quintiles' a b i v. Halm observes that it is confirmed by Pseudo-Cornutus ad Pers. Sat. i. 72, p. 264, ed. Iahnii: "Si Palilia dicit, diem dicit sacram in honorem Iliae quae peperit Remum et Romulum, quorum mentionem sacrificiorum Cicero in Philippicis sic commemorat;" but the passage is lost. A passage in the spurious letters of Cicero to Brutus (i. 3) states that it was the XII. Kal. Maias when Cicero was taken to the Capitol; and the next day, or XI. Kal. Maias (21st of April), is the Palilia, or Parilia, the birthday of Rome. This spurious letter may be good authority for the date, for, like the others, it has been patched up out of Cicero's orations and letters. It agrees with what is said in this oration if we read 'Parilibus,' for here he says that he is addressing the senate on the Parilia, and that he had been taken to the Capitol the day before, which would be XII. Kal. Mai, or the 20th of April.

Ferrarius proposed to read 'postridie Palilia,' or what he preferred, 'pridie Vinalia.' The Vinalia were on the IX. Kal. Mai, or the 23rd of April; and accordingly this speech would be delivered on the 22nd of April.

fascibus descensurum] His enemies had spread a report that he was going to assume the 'fasces,' or assume authority; but what was supposed to be the title of his office it is not said. However, says he, it was said that he would come down from his residence with the symbols of power.

6. *hoc triduo vel quatriduo*] The writer of the clumsy letter to Brutus (i. 3) seems to have laid hold of these words for his purpose. See c. 4. Halm writes 'quadriduo.'

viribus] a b i, 'iuris' or 'uiris' t. Halm has 'partibus,' a conjecture of Klotz. Many other conjectures have been made, but the text is as good as any of them. Muretus' proposed reading, 'curiam suis potius quam rei publicae,' certainly gives us Cicero's meaning, and is the best thing to put in the text, if we are not content with 'viribus potius suis.' The Curia may be the Pompeiana in which Caesar was killed, as Ferrarius and Muretus suggest. Manutius guesses that it may be the Hostilia, which was burnt when Clodius' body was burnt; and in consequence of their share in this riot, T. Plancus, Q. Pompeius, and Sex. Clodius were obliged to leave Rome.

suis quam rei publicae infelicem, congregabant. Ibi quum consilium inirent de caede nostra, partirenturque inter se qui Capitolium, qui rostra, qui urbis portas occuparent, ad me concursum futurum civitatis putabant. Quod ut cum invidia mea fieret, et cum vitae etiam periculo, famam istam fascium dissipaverunt: fasces ipsi ad me delaturi fuerunt. Quod quum esset quasi mea voluntate factum, tum in me impetus conductorum hominum quasi in tyrannum parabatur; ex quo caedes esset vestrum omnium consecuta. Quae res patefecit, patres conscripti, sed suo tempore totius hujus sceleris fons aperietur. Itaque P. Apuleius, tribunus plebis, meorum omnium consiliorum periculorumque jam inde a consulatu meo testis, conscius, adjutor, dolorem ferre non potuit doloris mei: contionem habuit maximam populo Romano unum atque idem sentiente. In qua contione quum me pro summa nostra conjunctione et familiaritate liberare suspicione fascium vellet, una voce cuncta contio declaravit nihil esse a me umquam de re publica nisi optime cogitatum. Post hanc habitam contionem duabus tribusve horis optatissimi nuntii et litterae venerunt, ut idem dies non modo me iniquissima invidia liberarit, sed etiam celeberrima populi Romani gratulatione auxerit.

Haec interposui, patres conscripti, non tam ut pro me dicerem,—male enim mecum ageretur, si parum vobis essem sine defensione purgatus,—quam ut quosdam nimis jejuno animo et angusto monerem, id quod semper ipse fecissem, uti excellentium civium virtutem imitatione dignam, non invidia putarent. Magnus est in re publica campus, ut sapienter dicere Crassus solebat: multis apertus cursus ad laudem. VII. Utinam quidem illi principes viverent, qui me post meum consulatum, quum iis ipse cederem, principem non inviti videbant! Hoc vero tempore in tanta inopia constantium et fortium consularium quo me dolore affici creditis, quum alios male sentire, alios nihil omnino curare videam, alios parum constanter in suscepta caussa permanere, sententiamque suam non semper utili-

rostra] Faernus' emendation. Halm's MSS. have 'hostia.' A. W. Zumpt proposed 'Ostiam;' but the emendation of Faernus is perhaps the genuine text.

patefecit] Halm's MSS., and it is certainly the true reading; the old reading 'patescit' is bad. Yet Ferrarius approved of it, captivated perhaps by its poetic character, for such he considered the word to be. Cicero says 'All this the facts made plain.'—'fons aperietur:' Manutius says that what follows shows that the 'fons' was a 'consularis,' and he adds that the suspicion applies to no man so well as to Q. Fufius Calenus, M. Antonius' friend and procurator at Rome.

Crassus] L. Crassus, the great orator.

7. *principem non inviti*] He means no more than what we call a leading man in the state, or whatever name may aptly denote a man who has weight in public affairs without holding any office.

alios male sentire . . . moderari] This is a good description of the composition of

tate rei publicae, sed quum spe, tum timore moderari? Quod si quis de contentione principatus laborat, quae nulla esse debet, stultissime facit, si vitiis cum virtute contendit: ut enim cursu cursus, sic in viris fortibus virtus virtute superatur. Tu, si ego de re publica optime sentiam, ut me vincas ipse pessime senties? aut, si ad me bonorum concursum fieri videbis, ad te improbos invitabis? Nollem, primum rei publicae caussa, deinde etiam dignitatis tuae. Sed si principatus ageretur, quem numquam expetivi, quid tandem mihi esset optatius? Ego enim malis sententiis vinci non possum, bonis forsitan possum, et libenter. Haec populum Romanum videre, animadvertere, judicare quidam moleste ferunt. Poteratne fieri ut non proinde homines de quoque ut quisque mereretur judicarent? Ut enim de universo senatu populus Romanus verissime judicat, nullis rei publicae temporibus hunc ordinem firmiorem aut fortiorem fuisse, sic de uno quoque nostrum, et maxime qui hoc loco sententias dicimus, sciscitantur omnes, avent audire, quid quisque senserit; ita de uno quoque, ut quemque meritum arbitrantur, existimant. Memoria tenent me ante diem XIII. Kalendas Januarias principem revocandae libertatis fuisse; me ex Kalendis Januariis ad hanc horam invigilasse rei publicae; meam domum measque aures dies noctesque omnium praeceptis monitisque patuisse; meis litteris, meis nuntiis, meis cohortationibus omnes qui ubique essent

such bodies as a senate or parliament, or chamber, particularly in times of danger. Some are dishonest and false to the public interest, some are perfectly careless, some unsteady in their resolutions, and regulate their opinions, or their professed opinions, not by the interest of the state, but by their hopes or fears. In such a body Cicero had to contend against Antonius, and the cunning of Caesar, the treachery of Lepidus and Plancus, and the legions of Rome.

Nollem] "mei: nolim Orelli cum cod. Huydec." (Halm.) Cicero means that it had been so; that this person whom he addresses, or the person whom he means, had used dishonourable means; and he says 'nollem,' 'I am sorry for it.'

quid . . . optatius] "Quam ut me vincas" (Manutius). I think he has not seen the sense of the passage. Klotz has rightly explained it. Cicero begins ('Quod si') by supposing that there may be a struggle for the Principatus, and he says that to strive with vice against virtue is absurd. If Cicero has right opinions about the state, must his adversary attempt to get the advantage over him by wrong opinions? Both for the sake of the state and of the man's own character, he protests against this. He begins again: But supposing the question to be about the supremacy in the state—though Cicero really never desired it—but supposing the question to be this, what could Cicero wish for more than that his opponent should employ these dishonest means? For in such a contest Cicero could not be defeated by a rival with such opinions; by an honest man he might perhaps be defeated, and he would be well content to be defeated.—'forsitan possum:' t has 'possum,' Halm has 'possim.'

proinde] "*proinde* t: *perinde* rell. mei et Orelli" (Halm), who prints 'proinde.' It is not often that I have been able to discover 'proinde . . . ut' in the various readings; but it is perhaps the genuine form. See Index, Vol. i. 'proinde,' 'perinde.'—'de quoque:' 'de' was added by Ferrarius.

ante diem XIII. *Kal.*] That is on the XIII. Kal. Jan., the day on which the Third Philippic was delivered. Ferrarius wrote XIII. (XIIII mei, Halm).—'me ex Kalendis Jan.:' see Phil. vi. c. 1.

ad patriae praesidium excitatos; meis sententiis a Kalendis Januariis numquam legatos ad Antonium, semper illum hostem, semper hoc bellum, ut ego, qui omni tempore verae pacis auctor fuissem, huic essem nomini pestiferae pacis inimicus. Idem Ventidium, quum alii tribunum plebis volusenum, non ego semper hostem? Has in sententias meas si consules [designati] discessionem facere voluissent, omnibus istis latronibus auctoritate ipsa senatus jam pridem de manibus arma cecidissent. VIII. Sed quod tum non licuit, patres conscripti, id hoc tempore non solum licet, verum etiam necesse est, eos qui re sunt hostes verbis notari, sententiis nostris hostes judicari. Antea quum hostem aut bellum nominassem, semel et saepius sententiam meam de numero sententiarum sustulerunt; quod in hac caussa jam fieri non potest. Ex litteris enim C. Pansae A. Hirtii consulum, C. Caesaris pro praetore, de honore diis immortalibus habendo sententias dicimus. Supplicationem modo qui decrevit, idem imprudens hostes judicavit: numquam enim in civili bello supplicatio decreta est. Decretam dico? ne victoris quidem litteris postulata est. Civile bellum consul Sulla gessit: legionibus in urbem adductis quos voluit expulit, quos potuit occidit: supplicationis mentio nulla. Grave bellum Octavianum insecutum est: supplicatio Cinnae nulla victoris. Cinnae victoriam imperator ultus est Sulla: nulla supplicatio decreta a senatu. Ad te ipsum, P. Servili, num misit ullas collega litteras de illa calamitosissima pugna Pharsalia? num te de supplicatione voluit referre? Profecto noluit. At misit postea de Alexandria, de Pharnace. Pharsaliae vero pugnae ne triumphum quidem egit: eos enim cives pugna illa sustulerat, quibus non modo vivis, sed etiam victoribus

alii . . . volusenum] The last word is corrupt, and perhaps more. For 'volusenum' &c. i v have 'voluissent num ego.' Faernus proposed 'vocavissent' for 'voluissent.' Orelli's conjecture is 'alii praetorem, tribunum Volusienum, ego.' It has been assumed that the man is C. Volusenus Quadratus, one of Caesar's officers in the Gallic war (iii. 5; iv. 21, and other passages); but this is mere guessing.

[*designati*]] Manutius suggested that the word 'designati' has been added by the copyists, for Cicero is speaking of what he had done since the first of January, B.C. 43, at which time Hirtius and Pansa entered on their consular office. Pantagathus suggests 'dedignati;' and Ursini remarks that we can hardly get rid of so long a word as 'designati' without putting something in its place. This objection is answered by supposing it to be an interpolation.

8. *de numero sententiarum*] The consuls would not allow a 'discessio,' a division to be made on my motion (Manutius).

imprudens] 'Unintentionally,' without seeing the necessary consequence of what he was doing.

bellum Octavianum] The contest between Cn. Octavius and his colleague L. Cinna (Phil. viii. c. 2; xiii. c. 1; In Cat. iii. c. 10). Octavius lost his head (Tuscul. v. c. 19).—'victoris:' 'victori' t, Halm.

collega] P. Servilius was the colleague of C. Caesar in the consulship B.C. 48. —'pugna Pharsalia:' Halm. The MSS. have 'parsalie' or 'pharsalie.' Both the forms, 'Pharsalicus' and 'Pharsalius,' were used.

[et] incolumis et florens civitas esse posset. Quod idem contigerat superioribus bellis civilibus. Nam mihi consuli supplicatio nullis armis sumptis non ob caedem hostium, sed ob conservationem civium novo et inaudito genere decreta est. Quamobrem aut supplicatio ob rem publicam pulcherrime gestam postulantibus nostris imperatoribus deneganda est, quod praeter A. Gabinium contigit nemini, aut supplicatione decernenda hostes eos de quibus decernitis judicetis necesse est. IX. Quod ergo ille re, id ego etiam verbo, quum imperatores eos appello: hoc ipso nomine et eos qui jam devicti sunt, et eos qui supersunt hostes judico, quum victores appello imperatores. Quo modo enim potius Pansam appellem? etsi habet honoris nomen amplissimi. Quo Hirtium? Est ille quidem consul; sed alterum nomen beneficii populi Romani est, alterum virtutis atque victoriae. Quid Caesarem deorum beneficio rei publicae procreatum, dubitemne appellare imperatorem? qui primus Antonii immanem et foedam crudelitatem non solum a jugulis nostris, sed etiam a membris et visceribus avertit. Unius autem diei quot et quantae virtutes, dii immortales, fuerunt! Princeps enim omnium Pansa praelii faciendi et cum Antonio confligendi fuit: dignus imperator legione Martia, digna legio imperatore. Cujus si acerrimum impetum cohibere Pansa potuisset, uno praelio confecta res esset. Sed quum libertatis avida legio effrenatius in aciem hostium irrupisset ipseque in primis Pansa pugnaret, duobus periculosis vulneribus acceptis sublatus e praelio rei publicae vitam reservavit. Ego vero hunc non solum imperatorem, sed etiam clarissimum imperatorem judico, qui quum aut morte

Nam mihi] This is no conclusion, but a common use of 'nam.' It meets a possible objection. The struggle with Catilina might be called a civil war, but the 'supplicatio' in honour of Cicero was not for the victory, but for the preservation of the state. —'sup. re publica . . . gesta,' t, Halm.

imperatoribus] t v, 'imp. p.' a b, which reading, as Halm observes, and Graevius before him, arose from the abbreviation 'impp.' The error of a b led to further error 'imperatoribus publice' i. Ferrarius properly erased 'publice.'

praeter A. Gabinium] "Hoc statuit senatus, quum frequens supplicationem Gabinio denegavit" (De Prov. Cons. c. 6, and the note).

9. *ille re*] It seems that there is a reading 'illi,' which was printed in some editions, and Manutius refers it to Pansa, Hirtius, and Caesar. Ferrarius proposed 'ille,' which is right, for Cicero means Servilius.—'quum . . . imperatores :' Ferrarius thought that this was a glossema.

Quo Hirtium] 'Quomodo Hirtium,' Ant. Augustinus, which Ursini approves.—'honoris . . . amplissimi :' the consulship.—'a membris,' &c.: as if Antonius would torture them if he got the victory, as Cicero said that Dolabella had done to Trebonius.

Princeps . . . Pansa] See the Introduction to this oration. —'legione Martia :' Hirtius had sent the Martia to meet Pansa on his approach to Mutina. Galba writes to Cicero (Ad Div. x. 30): "sed noctu, quo tutius venire in castra possemus, legionem Martiam, cui ego praeesse solebam, et duas cohortes praetorias miserat Hirtius nobis." —'acerrimum impetum :' Galba says, "Quum equites Antonii apparuissent, contineri neque legio Martia neque cohortes praetoriae potuerunt."

aut victoria se satis facturum rei publicae spopondisset, alterum fecit, alterius dii immortales omen avertant! X. Quid dicam de Hirtio? qui re audita e castris duas legiones eduxit incredibili studio atque virtute, Quartam illam, quae relicto Antonio se olim cum Martia legione conjunxit, et Septimam quae constituta ex veteranis docuit illo praelio militibus iis, qui Caesaris beneficia servassent, senatus populique Romani carum nomen esse. His viginti cohortibus, nullo equitatu, Hirtius ipse aquilam Quartae legionis quum inferret, qua nullius pulchriorem speciem imperatoris accepimus, cum tribus Antonii legionibus equitatuque conflixit, hostesque nefarios, huic Jovi maximo ceterisque deorum immortalium templis, urbis tectis, libertati populi Romani, nostrae vitae sanguinique imminentes, prostravit, fudit, occidit, ut cum admodum paucis nocte tectus, metu perterritus, princeps latronum duxque fugerit. O solem ipsum beatissimum, qui, ante quam se abderet, stratis cadaveribus parricidarum, cum paucis fugientem vidit Antonium! An vero quisquam dubitabit appellare Caesarem imperatorem? Aetas ejus certe ab hac sententia neminem deterrebit, quandoquidem virtute superavit aetatem. Ac mihi semper eo majora beneficia C. Caesaris visa sunt quo minus erant ab aetate illa postulanda, cui quum imperium dabamus, eodem tempore etiam spem ejus nominis deferebamus; quod quum est consecutus, auctoritatem decreti nostri rebus gestis suis comprobavit. Hic ergo adolescens maximi animi, ut verissime scribit Hirtius, castra multarum legionum paucis cohortibus tutatus est secundumque praelium fecit. Ita trium imperatorum populi Romani virtute, consilio, feli-

10. *Septimam*] See Phil. xi. c. 14: "Qui autem quiescunt ut Septima, ut octava legio" &c.—'qui Caesaris beneficia:' who had not wasted what Caesar had given them, as Antonius' followers had done; "qui postquam beneficia Caesaris comederunt" &c. (Phil. xi. c. 14).

His viginti cohortibus] The two legions, which he has spoken of.—'qua nullius:' b v, and so Ferrarius corrected the reading 'quia.' Ferrarius explains 'qua nullius' thus: "qua specie nullam imperatoris speciem pulcriorem accepimus."

tribus legionibus] Galba speaks of Antonius having only two legions in the fight with Pansa, the Secunda and Tricesima Quinta, and two Praetoriae cohortes, and part of the Evocati. The letter of Pollio to Cicero (Ad Div. x. 33) from Spain, in which he reports what he had heard of the battle, does not agree in all respects with Galba's letter, and there appears to be some error in the names of the legions. It does not appear from Galba's letter that Antonius had any other legions, when he was attacked by Hirtius, than the two with which he fought Pansa. 'Tribus' may be an error in Cicero's text, for I cannot accept Drumann's explanation that Cicero says three legions in order to magnify Hirtius' victory. Cicero may have reckoned Antonius' two praetorian cohorts and the Evocati as equivalent to a legion; but this would not be enough to justify his speaking of three legions of Antonius; and besides, he had not even two full legions, for he must have lost some of the Second and Thirty-fifth in the fight with Pansa. (See p. 694.)

Jovi maximo] 'Jovis optimi maximi,' Muretus, Halm.—'castra multarum:' a camp of many legions, a large encampment, which Caesar defended against L. Antonius, who had been left before Mutina to watch Caesar and D. Brutus (Dion 46, c. 37).

citate uno die locis pluribus res publica est conservata. XI. Decerno igitur eorum trium nomine quinquaginta dierum supplicationes: caussas, ut honorificentissimis verbis consequi potuero, complectar ipsa sententia.

Est autem fidei pietatisque nostrae declarare fortissimis militibus quam memores simus quamque grati. Quamobrem promissa nostra, atque ea quae legionibus bello confecto tributuros nos spopondimus, hodierno senatusconsulto renovanda censeo: aequum est enim militum talium praesertim honorem conjungi. Atque utinam, patres conscripti, civibus omnibus solvere nobis praemia liceret! quamquam nos ea quae promisimus studiose cumulata reddemus. Sed id quidem restat, ut spero, victoribus, quibus senatus fides praestabitur, quam quoniam difficillimo rei publicae tempore secuti sunt, eos numquam oportebit consilii sui paenitere. Sed facile est bene agere cum iis a quibus etiam tacentibus flagitari videmur. Illud admirabilius et majus maximeque proprium senatus sapientis est, grata eorum virtutem memoria prosequi qui pro patria vitam profuderunt. Quorum de honore utinam mihi plura in mentem venirent! duo certe non praeteribo, quae maxime occurrunt; quorum alterum pertinet ad virorum fortissimorum gloriam sempiternam, alterum ad leniendum maerorem et luctum proximorum.

XII. Placet igitur mihi, patres conscripti, legionis Martiae militibus et eis qui una pugnantes occiderunt monumentum fieri quam amplissimum. Magna atque incredibilia sunt in rem publicam hujus merita legionis. Haec se prima latrocinio abrupit Antonii, haec tenuit Albam, haec se ad Caesarem contulit, hanc imitata Quarta legio parem virtutis gloriam consecuta est. Quarta victrix desiderat neminem: ex Martia nonnulli in ipsa victoria conciderunt. O fortunata mors, quae naturae debita pro patria est potissimum reddita! Vos vero patriae natos judico, quorum etiam nomen a Marte est, ut idem deus urbem hanc gentibus, vos huic urbi genuisse videatur. In fuga foeda mors est, in victoria gloriosa; etenim Mars ipse ex acie fortissimum quemque pignerari solet. Illi igitur impii quos cecidistis etiam ad inferos

11. *Decerno*] 'I propose a Decretum to this effect.' See Index.

cumulata] The MSS. have 'quamquam' and 'quam multa.' 'Cumulata' is Naugerius' ingenious emendation, which most of the critics have approved. Lambinus proposed 'cumulateque,' and Halm proposes 'atque cumulate.'

cum iis] i, 'cum his' a b v, Halm.

12. *Quarta . . . neminem*] He says the Quarta did not lose a man; which is not very likely. Galba however speaks only of the loss of some men of the Praetoriae cohortes and of the Legio Martia.—'reddita:' the debt due to nature was paid on behalf of the Patria.

pignerari] 'to take in pledge,' but the metaphor is not good. He means that the bravest die in battle.—'ad inferos:' they will be punished in hell; but the defenders

poenas parricidii luent: vos vero, qui extremum spiritum in victoria effudistis, piorum estis sedem et locum consecuti. Brevis a natura nobis vita data est, at memoria bene redditae vitae sempiterna. Quae si non esset longior quam haec vita, quis esset tam amens qui maximis laboribus et periculis ad summam laudem gloriamque contenderet? Actum igitur praeclare vobiscum, fortissimi, dum vixistis, nunc vero etiam sanctissimi milites, quod vestra virtus neque oblivione eorum qui nunc sunt nec reticentia posterorum insepulta esse poterit, quum vobis immortale monumentum suis paene manibus senatus populusque Romanus exstruxerit. Multi saepe exercitus Punicis, Gallicis, Italicis bellis clari et magni fuerunt; nec tamen ullis tale genus honoris tributum est. Atque utinam majora possemus, quandoquidem a vobis maxima accepimus! Vos ab urbe furentem Antonium avertistis: vos redire molientem reppulistis. Erit igitur exstructa moles opere magnifico incisaeque litterae, divinae virtutis testes sempiternae; numquam de vobis eorum qui aut videbunt vestrum monumentum aut audient gratissimus sermo conticescet. Ita pro mortali conditione vitae immortalitatem estis consecuti.

of the Patria will have a place in the abode of the blessed. It is difficult to judge how far this was the popular belief in Cicero's time, and particularly among the soldiers; but it is probable that the belief in a future life was more common among the people than among the rich and great. Cicero spoke of this opinion just as it served his purpose. In the oration Pro Cluentio (c. 61, and the note) we have his declaration that punishment after death is an idle story.

bene redditae] This is explained by the word 'reddita,' which he has already used in this chapter. Muretus remarks that there is much in the close of this speech which the orator seems to have fashioned after Pericles' funeral oration in Thucydides. The sentiment 'Brevis...sempiterna' is well expressed. Cicero could do this.—'nobis vita' a i, 'vita vobis' b v, Halm.

Quae si non esset . . . quis esset tam amens] He has often said this: If the remembrance of the dead did not extend beyond their life, who would be fool enough to undergo labour and danger to get praise and glory?—A mean and miserable doctrine. What would he have said if he had been told that many men labour and risk their lives without ever thinking of praise and glory? What is the praise of the obscure; and what their glory who labour for their living, because they know that they must labour to live; and who endure for wife, for children, and for kin, toil and danger more than the soldier's, and think neither of fame and glory while they live, nor what people will say of them when they are dead? The heroism of thousands who struggle for their daily bread, of the poor, of the unknown, unrequited, unhonoured, and forgotten; what would become of it if they were as mean as Cicero would have men to be? But Cicero was an orator. He spoke for the occasion. See Pro Archia, c. 12, and the note.

eorum qui nunc sunt] 'of the present generation,' 'of the living,' opposed to 'posterorum.' The practice of pointing 'eorum, qui nunc sunt, nec' &c., destroys the propriety of the words.

insepulta] 'insepulta' i v, 'sepulta' a b. Halm, who, I suppose, misunderstood the passage. Ferrarius, who took 'insepulta,' understood it right: 'Your services will not, if either the living forget them, or posterity never speak of them, be without their sepulchre, for the senate and the Roman people will have raised for you almost with their own hands an everlasting memorial.' If we take the reading 'sepulta,' it is easy to give it a meaning: 'your services will not be buried in oblivion' &c.

numquam de] 'numquamque de' Halm, who does not say where he found the 'que.'

XIII. Sed quoniam, patres conscripti, gloriae munus optimis et fortissimis civibus monumenti honore persolvitur, consolemur eorum proximos, quibus optima est haec quidem consolatio: parentibus, quod tanta rei publicae praesidia genuerunt; liberis, quod habebunt domestica exempla virtutis; conjugibus, quod iis viris carebunt, quos laudare quam lugere praestabit; fratribus, quod in se ut corporum, sic virtutum similitudinem esse confident. Atque utinam his omnibus abstergere fletum sententiis nostris consultisque possemus, vel aliqua talis his adhiberi publice posset oratio, qua deponerent maerorem atque luctum, gauderentque potius, quum multa et varia impenderent hominibus genera mortis, id genus, quod esset pulcherrimum, suis obtigisse, eosque nec inhumatos esse nec desertos, quod tamen ipsum pro patria non miserandum putatur, nec dispersis bustis humili sepultura crematos, sed contectos publicis operibus atque muneribus eaque exstructione quae sit ad memoriam aeternitatis ara Virtutis. Quamobrem maximum quidem solatium erit propinquorum eodem monumento declarari et virtutem suorum et populi Romani pietatem et senatus fidem et crudelissimi memoriam belli, in quo nisi tanta militum virtus exstitisset, parricidio M. Antonii nomen populi Romani occidisset. Atque etiam censeo, patres conscripti, quae praemia militibus promisimus nos re publica recuperata tributuros, ea vivis victoribusque cumulate, quum tempus venerit, persolvenda: qui autem ex iis, quibus illa promissa sunt, pro patria occiderunt, eorum parentibus, liberis, conjugibus, fratribus eadem tribuenda censeo.

XIV. Sed ut aliquando sententia complectar, ita censeo: Quum C. Pansa consul, imperator, initium cum hostibus confligendi fecerit, quo praelio legio Martia admirabili incredibilique virtute libertatem populi Romani defenderit, quod idem legiones tironum fecerint, ipseque C. Pansa consul, imperator, quum inter media hostium tela versaretur, vulnera acceperit; quumque A. Hirtius consul, imperator, praelio audito, re cognita, fortissimo praestantissimoque animo exercitum castris eduxerit, impetumque in M. Antonium exercitumque hostium fecerit ejusque copias occidione occiderit, suo exercitu ita incolumi, ut ne unum quidem militem desiderarit;

13. *sic virtutum*] a i v, 'sic virtutis' b, Halm.

posset oratio] "*posset consolatio* malebat Burmannus secundus" (Halm).

14. *sententia complectar*] We must supply, 'what I have said,' or something of the kind: 'But finally to sum up all that I have said, I move as follows.'

legiones tironum] Four newly-raised legions, as Galba says in his letter (Ad Div. x. 30). But see what Appian says, pp. 694, 695.

quumque C. Caesar pro praetore, imperator, consilio diligentiaque sua castra feliciter defenderit, copiasque hostium quae ad castra accesserant profligarit, occiderit; ob eas res senatum existimare et judicare eorum trium imperatorum virtute, imperio, consilio, gravitate, constantia, magnitudine animi, felicitate populum Romanum foedissima crudelissimaque servitute liberatum; quumque rem publicam, urbem, templa deorum immortalium, bona fortunasque omnium liberosque conservarint dimicatione et periculo vitae suae, uti ob eas res bene, fortiter feliciterque gestas C. Pansa A. Hirtius consules, imperatores, alter ambove, aut si aberunt, M. Cornutus, praetor urbanus, supplicationes per dies quinquaginta ad omnia pulvinaria constituat; quumque virtus legionum digna clarissimis imperatoribus exstiterit, senatum, quae sit antea pollicitus legionibus exercitibusque nostris, ea summo studio re publica recuperata soluturum; quumque legio Martia princeps cum hostibus conflixerit, atque ita cum majore numero hostium contenderit ut quum plurimos caederent caderent nonnulli, quumque sine ulla retractatione pro patria vitam profuderint; quumque simili virtute reliquarum legionum milites pro salute et libertate populi Romani mortem oppetiverint: senatui placere ut C. Pansa A. Hirtius consules, imperatores, alter ambove, si eis videatur, iis qui sanguinem pro vita, libertate fortunis populi Romani, pro urbe templis deorum immortalium profudissent, monumentum quam amplissimum locandum faciendumque curent, quaestores urbanos ad eam rem pecuniam dare, attribuere, solvere jubeant, ut exstet ad memoriam posteritatis sempiternam, [ad] scelus crudelissimorum hostium militumque divinam virtutem; utique, quae praemia senatus militibus ante constituit, ea solvantur eorum qui hoc bello pro patria occiderunt parentibus, liberis, conjugibus, fratribus, iisque

M. Cornutus] Cicero writes to Plancus (B.C. 43): "Placuit nobis ut statim ad Cornutum praetorem urbanum literas deferremus, qui quod consules aberant consulare munus sustinebat more majorum" (Ad Div. x. 12).

soluturum] b, Halm; "*resoluturum* codd. rell. noti" (Halm).

ut quum plurimos] Halm, who says that the MSS. have 'cum plurimos.' 'Caderent nonnulli' is also Halm's correction. a b v have 'cadere nonnullos,' and i has 'caperent nonnullos.' There may have been two readings, 'caperent nonnullos' and 'caderent nonnulli,' but the sense seems to require 'caderent nonnulli.'

curent, quaestores urbanos] Ferrarius. The old reading was 'locandum faciendumque urbem ad eam rem.' There is an error in the MSS., but as we know the usual form of this part of a Decretum, the defect is easily cured. Halm, following Garatoni, has 'quaestoresque urbanos.'

attribuere] 'contribuere' i; but 'attribuere' is the word used in such a case.

scelus] b, 'ad scelus' a v i. Halm writes 'sempiternam scelus . . . divina virtus.' It is doubtful what is the true reading.

fratribus, iisque] Ferrarius, 'fratribus iisque (hisque) fratribus' a v, 'fratribus'

tribuantur, quae militibus ipsis tribui oporteret, si illi vixissent qui morte vicerunt.

b i. If 'iisque fratribus' is right, we may accept Graevius' opinion, that he means that the brothers should have the military promotion (promotiones militares) which the dead had merited by their services. Ursini says that an old MS. has 'eaque tribuantur,' and he adds 'et ita legendum videtur.'

si illi vixissent] 'si illi vicissent,' the reading of Halm's MSS. Ernesti conjectured 'si vivi vicissent.' "'Si illi vixissent,' Orelli cum Naugerio et cod. Scalae" (Halm), who has 'vivi vicissent.' We must take either Ernesti's reading or Naugerius'.

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ERRATA.

Page 109, note, *for* Trebonius *read* Trebatius
— 203, note, *for* Mayer . . . Tr. *read* Meyer . . . Fr.
— 324, note, *for* correctly *read* incorrectly
— 352, text, *for* dedendi fuissent *read* dedendi fuerunt
— 360, text, *for* architectis ei *read* architectis et
— 363, note, *for* Scholion *read* Scolion
— 365, text, *for* idcirco esse *read* idcirco
— 371, note, *for* finis afferat *read* finem afferat